

The Woman's College of  
The University of North Carolina  
LIBRARY



COLLEGE COLLECTION

CQ  
no. 652

Gift of  
MARTIN LUTHER WILSON

WILSON, MARTIN LUTHER. A Survey of Duelling in the United States. (1969). Directed by: Dr. Richard Bardolph. pp. 124

This thesis was undertaken to study duelling as an aspect of social history in the United States. The aim of the researcher was to go beyond mere chronicling of particular duels, in an effort to ascertain feelings and attitudes toward the practice. To obtain such information, both published and unpublished sources were consulted, to reconstruct the story of duelling as it developed in America.

The duel grew out of European practices, particularly the chivalry associated with knighthood. The custom was later transported to America by European settlers, though few duels occurred before the American Revolution. The presence of aristocratic European officers in America during that conflict influenced natives, who retained the duelling custom. The duel was present in all sections of the new nation until Aaron Burr killed Alexander Hamilton in 1804. At that point the duel lost favor in the Northern states, but held on primarily in the Southern states. Northern political leaders and military men continued to duel from time to time, however.

For conducting the duelling ritual, there were various sets of written rules, the most widely used being those compiled by Governor John Lyde Wilson of South Carolina. These rules laid down the principles that duels should be only between social equals, that all negotiations be conducted by seconds chosen for that purpose, and that the

4

actual encounter be carried out fairly under rules agreed upon beforehand.

Most prominent Southerners had some contact with the duel at one time or another before the Civil War, either directly or indirectly. They usually carried the custom with them as they migrated to other areas of the country, particularly on the frontier where the duel received an enthusiastic welcome. The strongholds of the practice, however, remained the New Orleans area and the region comprising Kentucky and Tennessee.

Duelling did not enjoy universal sanction in the South, having been opposed from the Revolutionary War forward. Both individuals and organizations expressed opposition which was largely ineffectual in eradicating the custom. Duelling was illegal in all states, both Northern and Southern, but in the latter the statutes generally were ignored and not enforced. Such laws were virtually dead letters until the duel lost public approval following the Civil War.

A SURVEY OF DUELLING IN THE

UNITED STATES

by

Martin L. Wilson

A Thesis Submitted to  
the Faculty of the Graduate School at  
The University of North Carolina at Greensboro  
in Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts in History

Greensboro  
June, 1969

Approved by

Richard B. Baskin  
Thesis Adviser



This thesis has been approved by the following  
committee of the Faculty of the Graduate School at The  
University of North Carolina at Greensboro.

Thesis  
Adviser

Richard Bardsley

Oral Examination  
Committee Members

Randolph Bulgin

Allen W. Trelease

W. L. Whitaker

Richard Bardsley

4/29/69

Date of Examination

## ACKNOWLEDGMENTS

The author is indebted to many persons for encouragement and assistance in the preparation of this manuscript. The staff members of the Southern Historical Collection at the University of North Carolina at Chapel Hill were helpful in locating original sources. My special thanks go to my sister, Mrs. Joann Wilson Carden, who typed the manuscript. I am particularly indebted to Dr. Richard Bardolph, who directed this thesis and offered many excellent suggestions, too numerous to list, that improved the text. Any errors of fact or interpretation are my responsibility alone.

## CONTENTS

CHAPTER	PAGE
I. THE ANTECEDENTS.....	1
II. THE EARLY YEARS	
A. The Colonial Era.....	6
B. The American Revolution and After.....	9
C. Northern Duelling Post-1804.....	19
D. The Military.....	27
III. ETTIQUETTE OF THE CODE OF HONOR.....	37
IV. THE DUEL IN THE SOUTHEASTERN UNITED STATES....	47
V. WESTWARD.....	60
VI. OPPOSITION TO DUELLING	
A. Private Opposition.....	70
B. Legal Opposition.....	77
VII. DECLINE OF DUELLING AFTER THE CIVIL WAR.....	84
VIII. SUMMARY AND CONCLUSION.....	89
IX. BIBLIOGRAPHY.....	96
APPENDIX.....	103

## I. THE ANTECEDENTS

The word "duel" derives from the two Latin words duo (two) and bellum (war), meaning literally "war between two." The practice, unknown in the ancient civilizations of Greece and Rome, owed its ancestry to the Teutonic tribes of ancient Germany. According to Blackstone, the duel was sanctioned in the Burgundian Code of Gundebald in 501 A. D.<sup>1</sup> Under the influence of Christianity, the duel was consecrated into judicial combat, or trial by combat and wager of battle. Here the appeal was directly to God, in the belief that He would protect the party whose suit was just.<sup>2</sup>

Trial by combat at first applied even to civil cases, but during the Middle Ages it came to be used only in criminal offenses. As a part of the judicial process, combat had to be preceded by appeals before magistrates. If differences could not be settled peacefully, a time and place was set for the battle. Gradually it became the custom to allow parties to be represented by a "champion," who swore that he had been a witness to the offense.<sup>3</sup> (This was probably the

---

<sup>1</sup>Stephen B. Weeks, "The Code in North Carolina," Magazine of American History, (December, 1891), p. 443.

<sup>2</sup>Lorenzo Sabine, Notes on Duels and Duelling (Boston: Crosby, Nichols & Co., 1855), p. 1.

<sup>3</sup>George Neilson, Trial by Combat (New York: MacMillan & Co., 1891), p. 48.

genesis of the later custom under the code duello of defending a friend insulted in one's presence).

Judicial combat did not disappear even when, in the Middle Ages, the duel itself came into being. It was first legally authorized in France in 1547. In England, where it had existed probably even before the Norman Conquest in 1066, it was last heard of in 1818 when Lord Chief Justice Ellenborough ruled that an appellant had the right to trial by combat. The trial did not come off, and the following year judicial combat was abolished by Parliament.<sup>4</sup>

The judicial duel was apparently more than a mere academic matter in America. A colonial act in South Carolina in 1712 specifically included trial by combat as a part of British law to be retained for the colony. As late as 1837, the South Carolina scholar, Dr. Thomas Cooper, believed the law to be still in force in the Palmetto State. Similarly, it was thought in 1811 that the same was technically true of Maryland--though it was regarded as a dead letter. Earlier, in 1774, a bill in Parliament to improve "administration of justice in the Province of Massachusetts Bay" disallowed the judicial duel in murder cases. When vehement protests to the provision were raised in Parliament, the clause was stricken. Even earlier, legend has it that two unnamed New Hampshire townships once settled a boundary

---

<sup>4</sup>Sabine, Notes on Duelling, pp. 3-4.

dispute by combat between champions.<sup>5</sup>

The duel did not actually supersede trial by combat; rather, the two existed simultaneously for several hundred years. The duel grew out of the chivalry of feudalism which arose before the Middle Ages in Europe. It took the form of single combat between two knights to settle a differences of law, possession, or honor. There was a knightly distinction between the duel of chivalry and the tournament: the former was a personal matter between two combatants, while the latter was intended to display the courage and skill of knights.<sup>6</sup> But, whether in joust or for personal satisfaction, knight-hood gave impetus to duelling. When, in the *early* 16th century, King Francis I of France challenged King Charles I of Spain, the duel seemingly gained regal sanction. Encouraged by the example of these monarchs, gentlemen began to resort more and more to the duel.<sup>7</sup>

Afterwards, monarchs tried repeatedly to discourage duelling, but it became too much a gentleman's favorite to be dispelled. In France it reached hysterical proportions: during the reign of Henry IV (1589-1610), some 4000 Frenchmen, according to one estimate, died in affairs of honor. Some estimates place the number closer to 6000. Any provo-

---

<sup>5</sup>Henry C. Lea, Superstition and Force (3rd edition; Philadelphia: Henry C. Lea, 1876), pp. 214-216.

<sup>6</sup>Robert Baldick, The Duel (New York: Clarkson N. Potter, Inc., 1965), pp. 22-24.

<sup>7</sup>Ibid., pp. 49-50.



cation would do, though an insult to a lady was preferred in France. Gallic hot-bloods maintained their duelling tradition even into the 20th century and in between found time to lend their custom to their Creole brothers in America.<sup>8</sup>

In Britain, the duel grew out of the chivalry of feudalism begun by the Norman Conquest. In the following centuries the duello became so generally accepted that in 1711, Joseph Addison could declare duelling "had become honourable, and the refusal to engage in it ignominious."<sup>9</sup> In 1712, for the first time, words in parliamentary debate brought a challenge, and by 1780 Sir James Lowther felt constrained to declare that freedom of debate was in jeopardy because of duelling over parliamentary business.<sup>10</sup> During the reign of George III (when many of his officers were absent in America) there were 172 known duels fought, resulting in 69 fatalities.<sup>11</sup> Less is known of duels by the Irish and the Scottish, though they were known to be at least as addicted to the institution as the English.<sup>12</sup>

---

<sup>8</sup>Sabine, Notes on Duelling, p. 6.

<sup>9</sup>Ibid.

<sup>10</sup>Ibid., pp. 8-9.

<sup>11</sup>Don C. Seitz, Famous American Duels (New York: Thomas Y. Crowell Co., 1929), p. 10.

<sup>12</sup>Ibid., p. 16.

Such then, was the background in those countries most instrumental in settling North America. Customs of the mother countries naturally spread to the New World as migrants left the older areas, and while the duel did not at first gain the wide acceptance in colonial America that it enjoyed in Europe, the seed was planted and grew into a sturdy perennial.

The earliest record to have occurred took place in 1711 between two further settlers, Robert Taylor and Edward Loring. Taylor, who was sentenced to be hanged by their hands and feet for having shot and killed a man or crime. In fact of this incident, however, although the case was not a capital one, it was a capital case of their immorality, and after the manner of their customs as law of the land. The incident was especially instructive to others in the wilderness, as there are no records that others sought to follow their footsteps and to suffer corresponding misdeeds.<sup>1</sup>

Little was heard of duelling for years afterwards, though tradition holds that Charles Ingham of Boston was a well frequented dueller for "many years" and "many years" of his life. In 1711, a dueller named "John" was killed in a duel in Boston. The participants were Henry Phillips of Boston's Federal family, and Benjamin Wadsworth, a

<sup>1</sup> See, for example, *History of the City of Boston*, pp. 181-182.

<sup>2</sup> Ibid., p. 182.

## II. EARLY YEARS OF THE DUEL IN AMERICA

### A. The Colonial Era

Despite the European antecedents of American settlers, few duels occurred during the years preceding the American Revolution. The earliest known to have occurred took place in 1621 between two Puritan servingmen, Edward Doty and Edward Lester. Tried, they were sentenced to be tied by their hands and feet for twenty-four hours without food or drink. An hour of this treatment, however, brought such pain that the sentence was suspended upon repentance of their transgression, and upon the promise of their masters to look after them. The incident was apparently instructive to others in the Wilderness Zion, as there are no records that others stepped forth to imitate these offenders and to suffer accompanying ridicule.<sup>1</sup>

Little was heard of duelling for years afterward, though tradition holds that Castle Island in Boston was a much frequented duelling ground for "hot-headed sons of Old England."<sup>2</sup> In Boston on July 3, 1728, a combat caught the public's attention. The participants were Henry Phillips of Boston's Faneuil family, and Benjamin Woodridge, a

---

<sup>1</sup>Sabine, Notes on Duelling, pp. 164-165.

<sup>2</sup>Ibid., p. 10.

graduate of Harvard. Under cover of evening darkness, Woodridge was killed in this sword affair. Massachusetts had passed a law in 1719 that deprived a duellist of political rights and provided that the body of the defeated dead could be used for anatomical demonstration by physicians and medical students.<sup>3</sup> Under pressure of a public outcry, Governor William Dummer issued a proclamation for Phillips' arrest, but aided by a heavy fog, a group led by Peter Faneuil took Phillips by boat to a British warship that whisked him away. Bostonians railed for years at the duel and even more at the nerve of the British captain's carrying away a murderer.<sup>4</sup>

The story in the Southern colonies was much the same. In Princess Anne County, Virginia, there is an account of a near-duel in 1730. The challenger, one Reodolphus, had challenged one "Solomon, white, gent, one of his majesties justices of the peace." The challenger was fined 50 pounds and costs as security for his good behavior for twelve months.<sup>5</sup> If Captain John Smith can be believed, (and it is, admittedly, doubtful that he can), there had been a most notable duellist in Virginia even earlier. The

---

<sup>3</sup>Andrew Steinmetz, Romance of Duelling (London: Chapman and Hall, 1868), I, p. 299.

<sup>4</sup>Seitz, Famous Duels, pp. 48-51.

<sup>5</sup>Edward James, "Duelling in Virginia," Virginia Magazine of History and Biography, III (July, 1895), p. 89.

Jamestown leader claimed to have killed three Turkish nobles, one immediately after the other, in one afternoon of duelling while serving in Turkey for Archduke Ferdinand of Austria.<sup>6</sup>

One scholar reports, however, that the "most painstaking research has failed to reveal more than half a dozen duels in the entire colonial period" in Virginia.<sup>7</sup> In all, it is estimated that fewer than two dozen duels were fought in British America before the Revolution,<sup>8</sup> for, despite its currency among Europe's nobility, the duel was an offense at common law,<sup>9</sup> and to refuse a challenge in those days was no disgrace.

The few duels that occurred during colonial days were usually between military men. There were at least four such incidents in the Georgia colony between 1739 and 1741--three resulting in fatalities. In one, when Captain Richard Norbury was killed by Captain Albert Desbrisay, the survivor was convicted of manslaughter by a court martial. There is no evidence, however, that Desbrisay was

<sup>6</sup>Sabine, Notes on Duelling, pp. 280-281

<sup>7</sup>Thomas J. Wertenbaker, The First Americans 1697-1690, Vol. II in A History of American Life, Arthur M. Schlesinger and Dixon Ryan Fox, eds. (New York: MacMillan & Co., 1927), p. 267.

<sup>8</sup>Daniel J. Boorstin, The Americans: The National (New York: Random House, 1965), p. 207.

<sup>9</sup>State v. Fritz, 133 N. C. 725.

ever punished, as anti-duelling laws were generally ignored by military authorities.<sup>10</sup>

Much later in the colonial period, British officers in America to fight the French and Indian War (1756-1763) gave the colonists a glimpse of what was to come.<sup>11</sup> Before the close of the colonial period, North Carolina had witnessed its first duel at Brunswick on March 18, 1765. It was between the master of the British sloop Viper, Alexander Simpson, and his lieutenant, Thomas Whitehurst. It was over a woman. Both were wounded, but after the shots had been fired, Simpson rushed upon Whitehurst and fractured his skull with his pistol. Simpson was convicted of manslaughter and branded in court with an "M" on the ball of his left thumb--apparently the only North Carolina duellist ever to be punished.<sup>12</sup>

#### B. The Revolutionary War and After

The Revolutionary War marked the real beginning of duelling in America. Caste-conscious British, French, and German officers brought their chivalric traditions with them, stimulating interest among Americans, especially

---

<sup>10</sup>Thomas Gamble, Savannah Duels and Duellists 1733-1877 (Savannah: Review Publishing Co., 1923), pp. 1-3.

<sup>11</sup>Dixon Ryan Fox, "Culture in Knapsacks," New York State Historical Association Quarterly Journal, XI (January, 1930), p. 42.

<sup>12</sup>Weeks, "The Code in N. C.," Magazine of American History, p. 445.



American officers. The ink of the Declaration of Independence had not been dry a year when one of its signers, Button Gwinnett of Georgia, was killed in a duel with Brigadier General Lachlan McIntosh. Gwinnett had failed in an expedition against the British in Florida and, upon McIntosh's branding him a scoundrel, reacted with a challenge.<sup>13</sup> The duel had the side effect of greatly inflating the price of Gwinnett's signature--\$51,000 in 1929.<sup>14</sup>

These two gentlemen were not the last high-ranking American officers to see greater nemeses among themselves than in the enemy. In 1778 Generals Christopher Gadsden and Robert Howe fought a bloodless duel just inside North Carolina, the dispute being over who was the true and unquestioned commander in South Carolina.<sup>15</sup> In that same year, another engagement between a colonel and a major in Georgia was averted when General James Screven advised them to use their energy against the British.<sup>16</sup>

American officers found that their honor could also be insulted by the British. In 1781, a Maryland officer named John Smith settled an old quarrel with a Colonel

---

<sup>13</sup>Gamble, Savannah Duels, pp. 11-16.

<sup>14</sup>Seitz, Famous Duels, pp. 17-18.

<sup>15</sup>Weeks, "The Code in N. C.," Magazine of American History, p. 445.

<sup>16</sup>Gamble, Savannah Duels, p. 19.

Stuart of the British army. During the Battle of Guilford Court House near Greensboro, North Carolina, they espied each other in the thick of battle. Ignoring the fighting around them, the two officers engaged in a furious duel that ended when Smith smashed his heavy sword through Stuart's head, "cleaving him to the very spine."<sup>17</sup>

Not every American officer bowed to the dictates of the code duello, however. Some, like Generals Israel Putnam and Francis Marion, chose to fight it with ridicule. On one occasion, after a challenge from a British officer, Putnam lighted a candle, placed it in an open keg of gunpowder, and then invited the officer to sit with him by it and await the result.<sup>18</sup> He settled another challenge by running onto the field where his opponent awaited him. Levelling his rifle, Putnam shouted, "You fool! Did ye think I was coming to let ye murder me? Now you git!" The challenger got.<sup>19</sup>

General Marion was somewhat more subtle. Challenged by a Major McIlraith of the Royal Army, he accepted--but only on condition that the duel be fought by twenty men on each side. McIlraith at first agreed, but upon the field

---

<sup>17</sup>Weeks, "Code in N. C.," Magazine of American History, p. 446.

<sup>18</sup>Seitz, Famous Duels, p. 17.

<sup>19</sup>Myra L. Spaulding, "Duelling in the District of Columbia," Records of the Columbia Historical Society, XXIX-XXX (1928), pp. 119-120.

he decided this was carrying medieval chivalry too far, and changed his mind.<sup>20</sup>

The post-war period saw little decrease in duelling and, in fact, lingering animosities were the proximate cause of some duels. One such confrontation took place in 1787 between two Wilmington, North Carolina, men, John Swann and John Bradley. Swann, a prominent merchant, had taken into his care a destitute British officer who had come to him. One day an item was stolen from Bradley's store and, having the now-common dislike that most Americans felt toward the British, Bradley accused the officer of the theft. Indignant, Swann challenged Bradley, who killed him in the encounter. Bradley was pardoned by the governor, but had to obtain another pardon from the General Assembly in 1789.<sup>21</sup>

On another front, the victory of John Paul Jones' Bonhomme Richard over the British Serapis resulted in one actual and one near duel. Sailing with Jones that day were other ships, two under French officers named Cottineau and Landais. Encountering the British, Cottineau captured the Serapis' sailing partner, Countess of Scarborough, leaving the Serapis to Jones and Landais. But Landais, sulking and jealous of the American, fired into the Bonhomme Richard. Later in a French court martial,

---

<sup>20</sup>St. Julien Ravenel, Charleston (New York MacMillan & Co., 1906), p. 412.

<sup>21</sup>Weeks, "Code in N. C.," Magazine of American History, p. 446.

Cottineau supported Jones' charges against Landais. No action was taken, but after the proceedings Landais challenged Cottineau, severely wounding him in the ensuing confrontation. That done, Landais then issued a challenge to Jones, who as the challenged party, chose pistols as weapons. Landais, an expert swordsman, refused the offer on the ground that the pistol was not the French weapon of honor--and cognizant that Jones was an expert shot.<sup>22</sup>

Another near-duel after the war involved General Nathanael Greene, and brought George Washington into the dispute. Greene had been challenged by Captain James Gunn over an inquiry of his conduct ordered by Greene during the war. By now the pressure to duel was so strong that Greene, who disapproved of the custom, felt forced to seek the advice of his former commander. Washington advised Greene to ignore the challenge because a commanding officer could not be "amenable to private calls for the discharge of his public duty...as there are few decisions which are not offensive to one party or the other."<sup>23</sup> Greene subsequently ignored the challenge.

During the war itself, Washington, among others, had voiced disapproval of duelling. With the war barely begun, the Continental Congress outlawed duelling in the

---

<sup>22</sup>Gamble, Savannah Duels, pp. 19-30.

<sup>23</sup>Ibid., pp. 75-76.

military in the Continental Articles of War. Adopted September 20, 1776, the Articles provided that commissioned officers be cashiered, and that other duellists be subject to corporal punishment at the discretion of a court martial. Furthermore, officers who permitted duels were to be treated as challengers, and any others involved were to be treated as principals.<sup>24</sup> But, then as later, gentlemen with wounded honor were rarely prevented from seeking their satisfaction on the field of honor. The attitude of officers was duly noted by civilians so that, by 1780, Janet Montgomery could write Sarah Jay: "You may judge how popular duelling has grown, when we [in New York] had five in one week."<sup>25</sup> During the Revolution, Americans came to believe, as J. Franklin Jameson has said, that "if greatly displeased with the conduct of a fellow-citizen with you, your proper course was to offer him an opportunity to kill you."<sup>26</sup>

After the Revolution, men soon found in politics a fruitful source for challenges. There appears to have been a temporary decline in duelling before 1789 and during Washington's first term as President. But when party pol-

---

<sup>24</sup>Worthington Chauncey Ford (ed.), Journals of the Continental Congress (Washington, D. C.: Govt. Printing Office, 1906), Vol. V, Section VII, Articles 2-3, p. 793.

<sup>25</sup>Fox, "Culture in Knapsacks," N. Y. State Historical Asso. Quar. Jour., XI, p. 42.

<sup>26</sup>J. Franklin Jameson, The American Revolution Considered as a Social Movement (Boston: Beacon Press, 1916), p. 78.



itics arose, there was a concurrent rising of tempers, and the duel again began to find a place in gentlemen's lives. It affected not only politicians, but even men in such a calling as the ministry. In 1795, the Reverend Purcell, rector of St. Michael's in Charleston, challenged a fellow clergyman for condemning a pamphlet he had written criticizing Bishop Seabury.<sup>27</sup>

Military men seem not to have observed the temporary truce between the Revolution and the opening of party wars. In 1799 General Alexander Hamilton finally issued a directive to suppress duelling in the army. Hamilton avowed that he did not intend to "contravene military prejudices;" however, he went on, arresting this evil was not only proper, but a duty.<sup>28</sup> His order had little effect upon the services, however.

Politics, however, held the center of the stage in duelling. In 1800 two members of the United States House of Representatives clashed over words in debate. The two, James A. Bayard of Delaware and Christopher G. Champlin of Rhode Island, journeyed to Philadelphia for their encounter. The duel was bloodless, but the two and their parties were forced to flee under cover of night from authorities who had learned of their offense. John Rutledge of South

---

<sup>27</sup>David D. Wallace, History of South Carolina (New York: American Historical Society, 1934), III, p. 90.

<sup>28</sup>Sabine, Notes on Duelling, p. 10.



Carolina, a second to Champlin, believed there had been a Democratic plot (all in the parties were Federalists) to arrest and embarrass them. Describing his flight, Rutledge wrote:

...at the dead hour of the night...I wrapped myself in my cloak and...stole unheeded from [there]. I did not stop before reaching Wilmington [Delaware] ...Where I got about daylight, and after about an hour's sleep... I went on to Newcastle.<sup>29</sup>

Not all duels, however, ended so happily. A notable casualty in 1802 was Richard Dobbs Spaight of North Carolina--a Founding Father of both the United States and North Carolina Constitutions, a governor, and a congressman. The campaign that led to his fatal encounter was a particularly bitter one, and insults by John Stanly brought a challenge from Spaight. The duel took place the very afternoon the challenge was given. With over 300 persons watching, Spaight was killed on the fourth fire--an extraordinary number. Stanly was pardoned later by the Governor of North Carolina.<sup>30</sup>

A state with more than its quota of politically inspired duels was New York. In 1802 Dewitt Clinton fought John Swartwout, a strong supporter of Aaron Burr, wounding

---

<sup>29</sup>Letter of May 24, 1800, John Rutledge Papers, In Southern Historical Collection at University of N. C. at Chapel Hill. (Hereinafter referred to as S. H. C. at UNC-CH.)

<sup>30</sup>Weeks, "The Code in N. C.," Magazine of American History, p. 443.

him in the leg. The following year Clinton refused a challenge from Senator Jonathan Dayton of New Jersey.<sup>31</sup> New York's best known duel, and one of America's most notorious, was the affair of July 21, 1804, between Aaron Burr and Alexander Hamilton at Weehawken, New Jersey. The two men had long been bitter rivals in both national and New York politics. Burr ran for governor of New York in 1804 with the tacit understanding with the opposition Federalists that he would, if elected, use his influence to withdraw New York from the federal union and into a proposed New England confederacy. Hamilton used every means to defeat Burr, who lost the election. His political career now in ruins, he challenged Hamilton, whom he regarded as the chief cause of his misfortunes.

A long exchange of notes followed, in such secrecy that they even met at a Society of Cincinnati banquet and exchanged toasts without anyone's becoming suspicious. But when they met at Weehawken their exchange was not of toasts. Hamilton was killed on first fire.

In his last will and testament Hamilton had expressed the thought that he might hold his fire, but there is controversy as to whether he actually did so. He did fire and he did miss Burr-whether intentionally or not is unknown. Burr and his seconds subsequently declared that Hamilton fired

---

<sup>31</sup>Spaulding, "D. C. Duelling," Records of Columbia Historical Society, XXIX-XXX, p. 120.

first; Hamilton's second maintained that Burr had fired first. The debate in itself proved nothing except that Burr's political career was ruined beyond repair.<sup>32</sup>

Though this duel forced Burr from public life and into the West for intrigues, which historians have not yet fully explained, opinion was not entirely unkind to him in his own day. That he suffered so greatly may be set down to the popularity of Hamilton rather than to the fact that he killed a man in a duel. An anonymous writer in the American Register of 1807 concluded that Burr was condemned because he "put to death the head and idol of a party." Had Burr fallen rather than Hamilton, the writer asserts, the survivor would have suffered no ill effects to his position and ambitions. Why? Because of Hamilton's importance in New York, his large numbers of supporters, and the division of Burr's own party in New York.<sup>33</sup> And John Adams, not a member of Burr's Democrat-Republican Party, remarked

---

<sup>32</sup>Seitz, Famous Duels, pp. 79-106. The pistol used by Hamilton was the same used by his son, Phillip, when he was killed in an 1801 duel. Earlier it had been used by John B. Church in an harmless duel against Burr. Seitz, Ibid., p. 76. Burr's pistol turned up again in Kentucky, where it was used by Robert Triplett in a duel against Philip Thompson. Again Burr's gun was true, as Triplett dropped Thompson with a severe wound--though he recovered. J. Winston Coleman, Famous Kentucky Duels (Frankfort: Roberts Printing Co., 1953), pp. 64-65.

<sup>33</sup>"Trivia," William and Mary Quarterly, XII (3rd Series; April, 1955), pp. 337-338.

that Hamilton was a "caitiff" come to a bad end. Fifteen years of continued slander against Burr provoked a call... and sent him, pardoned, I hope in his last moment, to his long home..."<sup>34</sup>

Be sentiments as they may, Hamilton's death marked a turning point in the development of duelling in America. The smoke had hardly cleared from Burr's pistol before an outcry arose and such private lynching promptly became a prime target of reformers. Consequently, the duel ceased to enjoy public sanction in the North, while the institution was hardly affected in the South where reformers had less influence. In 1807 it was noted that, "in the eastern states duelling is in much less repute than in the southern. In the middle states, it is least opprobrious in New York, and most so in Pennsylvania."<sup>35</sup> In short, the time was at hand when duelling would be regarded as a Southern practice.

#### C. Northern Duelling, post-1804

Northerners did not forsake duelling altogether. Certainly they duelled in diminished numbers after Hamilton's death, and their record was paltry as compared with the South's and that of the frontier areas. But it is known that Northern congressmen sometimes repaired to the duel-

---

<sup>34</sup>Gamble, Savannah Duels, p. 123.

<sup>35</sup>"Trivia," William & Mary Quarterly, 3rd Series, XII, p. 338.

ling grounds at Bladensburg, Maryland, to settle affronts as to their honor. Unfortunately, since these affairs were secret, there are few records of them; unless an affair's results were serious, it did not reach the public's attention. The reason is manifest: A Northern congressman would doubtless incur the wrath of his constituents were it known that he could find no better method to vindicate his honor. That Southerners did not expose their Northern colleagues to the public eye is evidence of the esteem in which they held this exercise in honor.

One congressional duel soon after the Burr-Hamilton affair which became public knowledge took place in 1808. Representative Barent Gardenier of New York took the floor in the United States House of Representatives in debate and accused many of his colleagues of favoring Bonapartism. When Representative George Campbell of Tennessee denied the charge and demanded an apology, Gardenier responded with a challenge. Campbell accepted and in the encounter that followed at Bladensburg, Gardenier was seriously wounded.<sup>36</sup>

It was ultimately a congressional duel that dealt duelling almost as telling a blow as Burr and Hamilton's. In 1838 Representative William Graves of Kentucky bore a challenge to his colleague, Representative Jonathan Cilley of Maine, from James W. Webb, editor of the New York Courier

---

<sup>36</sup>Spaulding, "D. C. Duelling," Records of Columbia Historical Society, XXIX-XXX, p. 123.



and Enquirer. Cilley refused on grounds that Webb was not an honorable man. Under the code, a second is required to take up the dispute himself if the honor of his principal is questioned. Thus, Graves was obliged to challenge Cilley, a close friend of his. Knowing Graves to be a man of honor, Cilley accepted the challenge, and was killed on third fire.<sup>37</sup>

A nationwide cry arose, the like of which had not been heard since the Burr-Hamilton affair in 1804. Congress was besieged with memorials and petitions, causing even so confirmed a duellist as Andrew Jackson to warn that Congress must "wipe out the stain of blood" or lose the confidence of the public. "Cilley was sacrificed," he said.<sup>38</sup>

There were unsuccessful attempts in Congress to expel Graves and other participants in the duel. Though the House censured them, the only concrete result of a committee's investigation was a law in 1839 providing for sentences of from five to ten years for participation in a duel in the District of Columbia. The law did not prescribe the participants' disqualification from office, an omission considered the bill's greatest defect.<sup>39</sup> But duels did decrease in succeeding years in both the North and the South.

Northern Congressmen had not heard the last of the

---

<sup>37</sup>Sabine, Notes on Duelling, pp. 89-109.

<sup>38</sup>Spaulding, "D. C. Duelling," Records of Columbia Hist. Society, XXIX-XXX, p. 193.

<sup>39</sup>Sabine, Notes on Duelling, p. 108.



duel. High feeling over sectional issues sometimes produced a call to the field of honor. Perhaps the best known of these resulted from the attack upon Senator Charles Sumner of Massachusetts by Representative Preston Brooks of South Carolina. Brooks treated Sumner in accordance with the code, which called for a gentleman to employ corporal punishment upon an inferior--which description, Brooks did not doubt, fitted Sumner. Thus, Sumner received a beating for his remarks against Brooks' kinsman, Senator Andrew Pickens Butler.<sup>40</sup>

With accusations of "bully" ringing in his ears, Brooks issued formal challenges to three of his critics. Only one, Representative Anson Burlingame of Massachusetts, accepted--but he named the Canadian side of Niagara Falls as the site. Brooks refused this condition, fearing assassination on his trip through the North. Both men claimed credit in the incident and the popularity of both shot up in their home sections--Burlingame's despite the North's supposed antipathy to duelling. "The general opinion is that Bully Brooks has shown the white feather," said the prominent New Yorker, George Templeton Strong.<sup>41</sup>

---

<sup>40</sup>John Hope Franklin, The Militant South (Cambridge: Harvard University Press, 1956), pp. 53-56.

<sup>41</sup>George Templeton Strong, The Diary of George Templeton Strong 1835-1875, Allan Nevins and Milton H. Thomas, eds. (New York: MacMillan & Co., 1952), II, p. 285.

A similar incident occurred in 1860 between Representatives Roger A. Pryor of Virginia and John F. Potter of Wisconsin. Pryor had taken exception to some of Potter's remarks during House debate and issued a challenge. Potter at first protested that Wisconsin law forbade private combat, but then offered to fight with Bowie knives. Pryor's second refused this condition as improper and ungentlemanly, whereupon Potter's second offered to substitute himself in combat if terms on weapons could be reached. Pryor's second rejected this alteration. When Pryor himself learned of the haggling, he notified Potter of his willingness to fight with any weapon on any terms. But, as arrangements in a duel had to be made by the seconds, Pryor's offer came to no end when his man vetoed the idea. There the matter was allowed to rest, though Potter's second fired off another note avowing the distinguished representative from Wisconsin would defend himself anywhere "if assailed."<sup>42</sup>

The example of their eastern compatriots was not lost on the politicians of the Old Northwest. In 1842 Abraham Lincoln was found bowing and curtsying to the niceties of the code duello. It began when Lincoln, a Whig, lampooned James T. Shields, a Democrat, fellow attorney and legislator from Springfield, in the local newspaper. Lincoln had signed the article "Rebecca." After he had related the

---

<sup>42</sup>Letters of April 10-14, 1860, William P. Miller's Papers in S. H. C. at UNC-CH.

story to Mary Todd, she and her friend, Julia Payne, wrote another letter to the paper signed "Rebecca." In the letter they derided Shields' politics and social graces, ending their fun with "...rather than fight, I'll make an apology; and if he wants personal satisfaction, let him only come here, and he may squeeze my hand...I will give him choice... I shall wear breeches or he petticoats, for, I presume, that change is sufficient to place us on an equality."<sup>43</sup>

Shields, an Irishman, suspected who had written the letters and demanded an apology of Lincoln. The latter refused unless Shields' accusations be withdrawn. Shields replied with a challenge. Lincoln accepted, his second stipulating that the weapons be *cavalry* broadswords, and the duel to be across a plank ten feet long, nine to twelve inches broad, on a sand-bar in the Mississippi River, within three miles of Alton, and on the Missouri side of the Mississippi.

While Lincoln's second, Dr. E. H. Merryman, conferred with Shields' second, General James D. Whitesides, a crowd from nearby Alton gathered to watch. One witness, observing Lincoln sitting on a log swishing the broadsword about, confessed he could not help laughing at the disparity in size of the two combatants. As Shields, whose

---

<sup>43</sup>Carl Sandburg, Abraham Lincoln: The Prairie Years (New York: Harcourt, Brace & Co., 1926), I, p. 281.

height barely reached Lincoln's armpits, watched his opponent slash the broadsword through tree branches, the seconds announced a settlement. Mr. Lincoln, they said, had had no intention to insult Mr. Shields, the whole thing was political anyway, and it would not have happened had Mr. Lincoln known Mr. Shields would feel this way. Satisfied, they rowed back to Alton with a red shirt on a log in their boat, leading watchers on the levee to believe at first that someone had been badly injured.

The two were for some time the laughingstock of Springfield, though the Alton Telegraph and Democratic Review saw the incident in a different light:

Why, therefore, they should be permitted to escape punishment, we are at a loss to conjecture. We are astonished to hear that a large number of our citizens crossed the river to witness...a cold-blooded assassination...It was no less disgraceful than the conduct of those who were to have been actors in the drama.<sup>44</sup>

Still, only a few days after this near-duel Lincoln could write to a friend that Shields had again become involved in a near-duel. This second one was averted because General Whitesides, still acting as a second, had refused the stipulation of rifles at 100 yards. Lincoln continued, that yet another duel was in the making, for Whitesides himself had challenged Dr. Merryman. This duel, however, had

---

<sup>44</sup>Ibid.

not taken place at the time of the writing of the letter.<sup>45</sup>

Others than politicians subjected their disputes to the code of honor. In 1841, for instance, August Belmont, a New York banker and agent of the Rothschilds, duelled a Mr. William Heyward of New York. Belmont was shot through the thigh.<sup>46</sup> Later, in 1855, J. B. Breckinridge (of the well-known Southern family), then a Wall Street lawyer, fought a young man-about-town, Frank Leavenworth. They fought on the Canadian side of Niagara Falls, with "minor injuries" resulting.<sup>47</sup> Strong's entry for June 16, 1860, tells of "two old fools, Samuel Hill and Tom Bryan ...making themselves ridiculous by going to North Carolina to fight a duel." The dispute had broken out at the Union Club in New York over the question of Garibaldi's nationality. Strong reported that one of the men was shot through the arm.<sup>48</sup> Trying hard to maintain its reputation as the "Duellingest state north of Mason and Dixon," New York came in for more attention in the middle of a war against all things Southern. Drunken disagreements at the New York Club during a New Year's eve party for 1863 had Strong commenting

---

<sup>45</sup>Ibid., I, p. 284.

<sup>46</sup>Seitz, Famous Duels, p. 28.

<sup>47</sup>Strong, Diary, II, p. 226.

<sup>48</sup>Strong, Diary, III, p. 33.

two days later: "Terrific disturbance...Great excitement; duels and cowhidings confidently predicted..."<sup>49</sup> Unfortunately, he failed to reveal more.

#### D. Military Duelling

A further exception to the rule that Northerners did not duel was the circumstance that military officers, regardless of sectional origin, continued to duel for more than half a century after the Burr-Hamilton affair. As noted above, in 1776 the Continental Congress had unsuccessfully outlawed duelling in the services.<sup>50</sup> The practice continued unabated for, in 1799, General Alexander Hamilton was constrained to issue his directive to suppress duelling in the army.<sup>51</sup>

Later, in 1806, Congress passed an act aimed at suppressing duelling in the army. By its provisions, a commissioned officer was to be cashiered, while non-commissioned officers and soldiers were liable to corporal punishment at the discretion of a court martial.<sup>52</sup> Inexplicably, even this mild provision did not apply to the

---

<sup>49</sup>Ibid., p. 286.

<sup>50</sup>Ford, Journals of Cont. Cong., V, p. 793.

<sup>51</sup>Sabine, Notes on Duelling, p. 10.

<sup>52</sup>Ibid., p. 11.



navy, whose duellists were legally free until an 1862 act made them subject to court martial.<sup>53</sup>

For their affairs of honor, officers originally preferred New York, especially while the nation's capital was located there. When Washington, D. C., became the capital, they divided their time among New York, Norfolk, and Washington.<sup>54</sup> Not wishing to risk prosecution by local officials, they would sometimes travel out of the country, as did young Henry Manigault of South Carolina, and a Colonel Atkinson in 1814. Manigault had been challenged by Atkinson and when their commanding officer had heard of it, he put both into confinement until they would agree "not to fight in that district [Philadelphia]." But "the next day they went to Canada and fought," where the colonel, who had "the reputation of being a great shot," was seriously wounded.<sup>55</sup>

Officers, in fact, not infrequently duelled in foreign territory. In the war with Tripoli (1801-1804) Americans duelled not only among themselves, but with British officers as well. In 1819 the Americans and British were so filled with honor that their frequent duels led the

---

<sup>53</sup>Spaulding, "Notes on Duelling," Records of Columbia Historical Society, XXIX-XXX, p. 205.

<sup>54</sup>Ibid., p. 203.

<sup>55</sup>Letter May 24, 1814, Margaret Izard Manigault to Elizabeth Morris, in the Manigault-Morris Grimball Papers, S. H. C. at UNC-CH.

governor of Gibraltar to refuse entry to United States ships until Americans could learn to control their pride.<sup>56</sup>

Officers were not always willing or able to comply with such a demand. An 1830 duel near Rio de Janeiro between army surgeon Henry Bassett and a Lieutenant Sands illustrates how personal wills could lead to duelling despite intervening factors. Sands gave an order that Bassett considered beyond the lieutenant's authority. After a heated dispute, Sands had the surgeon arrested, whereupon Bassett issued a challenge. As Bassett was then under arrest, Sands refused. Bassett then brought charges against Sands. They were each tried by court martial, which acquitted Sands and convicted Bassett. That done, Sands accepted the challenge and killed Bassett on first fire. Bassett was buried with "full military honors, most officers attending."<sup>57</sup>

Duels of military men could receive the same public scrutiny as civilian duels if the participants were prominent enough. One such combat, and perhaps the best known in American history after the Burr-Hamilton affair, was the encounter between Commodores Stephen Decatur and James Barron in 1819. Their dispute dated from the Chesapeake-Leopard Affair in 1807. Officers from the British man-of-

---

<sup>56</sup>Sabine, Notes on Duelling, p. 11.

<sup>57</sup>Letter of August 30, 1830, John Y. Bassett to Henry Sanders, in John Y. Bassett Papers, S. H. C. at UNC-CH.

war Leopard boarded the American frigate Chesapeake, under Barron's command, and removed four alleged deserters. One of these was hanged and the other three were sentenced to 500 lashes each. Later, Barron was suspended for unpreparedness by a court martial, of which Decatur was a member. Later, in 1818 when Barron petitioned for re-admission to the navy, he was denied by a board that again included Decatur. By this time Barron harbored feelings of persecution, and singled out Decatur as the source of his misfortunes and initiated correspondence that led to a duel.

After many notes had passed between them, Decatur finally accepted the challenge even while expressing a dislike of duelling and doubting that it could raise a man's reputation. He continued with a statement that best explains why officers so often embroiled themselves in duels: "...in my opinion, the man who makes arms his profession is not at liberty to decline an invitation from any person who is not so far degraded as to be beneath his notice."<sup>58</sup>

Barron replied that he, too, deplored duelling as a "barbarous practice." But, he continued, "...sir, there may be cases of such extraordinary and aggravated insult and injury...as to render an appeal to arms absolutely

---

<sup>58</sup>Spaulding, "D. C. Duelling," Records of Columbia History Society, XXIX-XXX, p. 137.

necessary."<sup>59</sup>

Barron obviously thought this one of those extreme cases and preparations for the meeting went forward. Decatur had reportedly determined to hold his own fire until he found that his second, Commodore William Bainbridge, had inexplicably allowed the distance to be a mere eight yards. At the much-frequented site at Bladensburg, Maryland, they fired simultaneously and both were seriously wounded, Decatur fatally. Before dying, Decatur forgave Barron, disclaiming any enmity toward him. Later Mrs. Decatur wondered why the seconds could not have used this feeling to bring about a reconciliation. She stated her belief that Bainbridge had not earnestly sought to avert the duel.<sup>60</sup>

Decatur's death shocked the nation as had nothing since Hamilton fell before the pistol of Aaron Burr. At this time, he was the most popular military figure in America and a leader in Washington society. In the House of Representatives, John Randolph of Roanoke rose and moved that the House adjourn for the funeral next day, and that House members wear crepe on their left arms in memory of Decatur. When Representative John Taylor of New York objected on grounds that Decatur had fallen in violation of

---

<sup>59</sup>Ibid., p. 138.

<sup>60</sup>Ibid., pp. 133-153.

the laws of God and his country, Randolph withdrew the motion.<sup>61</sup> This led John Quincy Adams to note in his diary: "This feeble and negative censure upon the practice of duelling is all that can be obtained from Congress."<sup>62</sup> Randolph's resolution the following day that the House attend the funeral was again turned aside, though all Washington officialdom from President Monroe down, marched in the burial parade.<sup>63</sup>

Randolph of Roanoke, who had duelled and would do so again, did not confine his sentiments to the House floor. A conservative whose disdain for the military and military men was second to none, he had, nevertheless, been a close friend of Decatur's. On the day of the funeral, the rapier-tongued Virginian rendered his final service to his friend. Appointing himself chief marshal of the day, Randolph mounted one of his thoroughbreds and patrolled up and down, holding in check the crowds thronging the approaches to Decatur's residence. His conduct as Decatur was being laid finally to rest was described by John Quincy Adams:

John Randolph was there, first walking, then backing his horse, then calling for his phaeton, and lastly crowding up to the vault, as the coffin was removed into it from the hearse...<sup>64</sup>

---

<sup>61</sup>U. S., Annals of Congress, (Washington: Gales & Seaton), 16th Cong., 1st. Sess, 1819-1820, part 2, p. 1670.

<sup>62</sup>Spaulding, "D. C. Duelling," Records of Columbia Historical Society, XXIX-XXX, p. 151.

<sup>63</sup>Ibid., p. 152.

<sup>64</sup>William Cabell Bruce, John Randolph of Roanoke (New York: C. P. Putnam's Sons, 1922), II, p. 624.



Decatur's death brought new and futile attempts to suppress duelling in the services. The Committee on Military Affairs reported to the House that "...existing law [is] amply sufficient, if executed, to repress duelling..." Its request to be discharged from further inquiry on the subject was granted.<sup>65</sup>

Little, in fact, was done, though duelling usually had the disapproval of the nation's foremost leaders, going back to George Washington. President Zachary Taylor condemned it and never duelled during his forty years in the army; as President, he refused to restore officers dismissed from service for duelling.<sup>66</sup> At least one state, Georgia, required civil and military officers of the state to take an oath that they had never participated in an affaire d'honneur.<sup>67</sup>

Officers continued their ritualized brawling up to the Civil War and even then some Confederate officers carried on the custom. They were but hewing to the long-time practice of American Officers not to be deterred by national hostilities in defending their honor. One notable affair in 1862 involved two South Carolinians: Major Alfred Rhett, son of Senator Robert Barnwell Rhett, and

---

<sup>65</sup>Annals, 17th Cong., 1st. Sess., p. 1820.

<sup>66</sup>Sabine, Notes on Duelling, p. 40.

<sup>67</sup>Gamble, Savannah Duels, p. 188.



Colonel Ransom Calhoun, nephew of John C. Calhoun. The encounter grew out of remarks of an undisclosed nature at the Charleston Club on August 8, 1862. It was the culmination of a long feud; an acquaintance of the disputants noting that Calhoun was "a man he [Rhett] particularly hated."<sup>68</sup> The hatred led to Calhoun's death.

A Confederate Court of Enquiry investigated the incident, and several officers gave some revealing testimony. Article of War twenty five, which forbade duelling, they said, had always been considered a dead letter in both the United States and Confederate Armies. Penalties were to be administered only in cases of atrocity or unfairness.<sup>69</sup> This case apparently involved neither condition, as a letter from Senator Rhett to Colonel F. D. Richardson thanked the latter for assistance in procuring a pardon for his son from General Pierre G. T. Beauregard, and re-assigning him to duty.<sup>70</sup>

Perhaps the best known Confederate duel was one that occurred on September 6, 1863, between two cavalry Brigadier Generals. The principals were John S. Marmaduke of Missouri, a graduate of the United States Military

---

<sup>68</sup>Meto Morris Grimbail Journal, September 17, 1862, in S. H. C. at UNC-CH., pp. 74-75.

<sup>69</sup>Wallace, History of South Carolina, III, pp. 95-97.

<sup>70</sup>Letter of Jan. 8, 1863, R. B. Rhett to F. D. Richardson, Robert Barnwell Rhett Papers in S. H. C. at UNC-CH.

Academy, Yale, and Harvard; and Lucius M. Walker of Georgia, a son-in-law of President James K. Polk. The confrontation took place near Little Rock, Arkansas, even as Yankees advanced upon the Confederate position. Walker was killed and Marmaduke was arrested for murder under Arkansas's anti-duel laws. He was released to help against the Federal attack, however, and no charges were ever preferred against him.<sup>71</sup>

Such incidents did not go unnoticed during these times of the South's tribulations. On March 25, 1864, the Charleston Daily Courier scathingly commented:

If officers want to show their bravery...let them agree to charge a Yankee battery single-handedly... If they are not killed, probably a confinement of a few months in a Northern prison may cool their passions.<sup>72</sup>

The smouldering rage of Mrs. Braxton Bragg can similarly be sensed as she wrote her husband in 1863: "I cannot think much of the patriotism of men who would fight duels at such a time."<sup>73</sup>

As a military institution, the duel made its last stand in the Confederate army. Perhaps it was the bloodiness of the Civil War that made officers, like civilians,

<sup>71</sup>Leo E. Huff, "The Last Duel in Arkansas: The Marmaduke-Walker Duel," Arkansas Historical Quarterly, XXIII (Spring-Winter, 1964), pp. 36-48.

<sup>72</sup>E. Merton Coulter, The Confederate States of America 1861-65 (Louisiana State University Press: Baton Rouge, 1950), p. 352.

<sup>73</sup>Ibid.

less anxious to spill still more blood, even over honor. There were a few more encounters after the war, especially in the border states where former opponents in the late conflict came into close contact with each other. But some, like General Joseph E. Johnston, used their influence to adjust differences.<sup>74</sup> Like most civilians, officers had done with the duel.

---

<sup>74</sup>Gamble, Savannah Duels, p. 284.

### III. THE ETTIQUETTE OF THE CODE OF HONOR

The code to which so many men, especially Southern , gave obeisance was conducted under elaborate rules. To these men, the duel was an encounter between equals; in its truest form, it was between gentlemen, or social equals. Even so, men of ordinary station <sup>and</sup> class often observed the amenities of the code duello, and there were even a few Negro duels.<sup>1</sup> An affair between men of different classes was not recognized as a true duel, though this, too, could be side-stepped. When once challenged by a man considered his social inferior, Andrew Jackson offered to shoot it out in any "sequestered grove," with the understanding that it would not be a gentlemen's duel.<sup>2</sup> For under the code, a true gentleman should cane or horesewhip an inferior-- which indicates the standing Senator Charles Sumner enjoyed in the eyes of many Southerners.

In the early years of American duelling there were no formal codes, leaving the contests to be conducted under whatever rules were then the custom. Actually, informal codes differed little from written ones and, even when written codes appeared, there was no single code uniformly

---

<sup>1</sup>Gamble, Savannah Duels, pp. 240-242.

<sup>2</sup>Boorstin, The National Experience, p. 210.

adhered to in all areas of the country. The rules, like the custom, were imported from Europe and were known to gentlemen even before they had had the opportunity to read them.

The most widely known and used set of rules were those published by Governor John Lyde Wilson of South Carolina, himself an experienced duellist. First printed in 1838--long after the custom had taken hold--Wilson's Code of Honor: Or Rules for the Government of Principals and Seconds went through sixteen editions between 1838 and 1858, and ~~was~~ republished as late as 1878. In his preface to this pamphlet, Wilson denied that he was an advocate of duelling, but went on to avow that in some cases a duel was the proper and only method to avenge a great wrong. This code, he said, was for making the rules so fully familiar that strict adherence to them would avert many duels and save lives:

...if I can save the life of one useful member of society, I will be compensated. I have restored to the bosoms of many, their sons, by my timely interference, who are ignorant of the misery I have averted from them.<sup>3</sup>

His implication, apparently, was that carefully following of the rules of his Code, effected reconciliation in many instances that were merely unfortunate misunderstandings. Without here reciting the rules one by one (the entire pamphlet is found in the Appendix), a brief

---

<sup>3</sup>John Lyde Wilson, The Code of Honor: or Rules for the Government of Principals and Seconds in Duelling (Charleston: James Phinney, 1858), p. 10.

examination of the Code will convey an adequate impression of a gentleman's preferred conduct in an affair of honor. There were, in all, fifty-six of these rules, set forth in eight chapters.

When a gentleman believed he had received an insult that demanded satisfaction on the field of honor, he sent a note by a friend who was a social equal of his. The challenged was expected to refuse an offer if he considered either the challenger or the second to be his social inferior. Challenges should be phrased in the language of a gentleman, avoiding epithets and threats. The note should briefly set forth the cause of injury, with a request for an explanation. It then remained for the challenged party either to explain, apologize, or accept a challenge--his replies also to be conveyed by a socially acceptable second. All the correspondence was to be conducted in dignity and in private.

A challenge was to be neither sent nor accepted without consultation with the second. From the beginning, therefore, the duel or reconciliation was in the hands of the seconds, who represented their principals in making any arrangements. The principal, whether challenger or challenged, was expected to submit to the judgment of his second at all times; otherwise, the second should withdraw from the affair. A second was required to substitute himself if the challenged refused the note on ground that the



challenger was not his equal, or if the challenged insulted the second.

Though the challenged usually had the choice of time, place, and weapon, unusual conditions should not be demanded and could legitimately be refused. Rifles, for example, were often rejected as improper--they were too deadly. Weapons should be those most common for the area (usually pistols) and the usual distance ten to twenty paces (thirty to sixty feet).

Unless the insult could be considered very serious, the seconds should require their principals to reconcile after one fire. If one principal was hit, the affair should be stopped immediately at that point. Only in extreme cases should more than three fires be allowed.

Should a pre-arranged rule be violated by a principal or his seconds, the other party was at liberty to leave the field immediately with his honor satisfied. Often there was the stipulation that a principal who moved his position during the duel or otherwise violated rules to give himself an advantage could be shot down by his opponent's seconds. (Though duellists did sometimes violate this stipulation, this writer has found no actual instance in which a second so acted).

Should a challenge be refused, the challenged was to be "posted" as a coward and a "poltroon" (the favorite expression of duellists). This involved placing posters

in conspicuous places or publishing a "card" in local newspapers proclaiming the challenged's lack of manly virtues.

It will be apparent that much attention was given to the duties of the seconds; this was because, once negotiations began, the affair was almost entirely in the hands of the seconds. These lieutenants could and sometimes did agitate a dispute rather than adjust it without resort to arms. It was often said that seconds killed more men than pistols; Governor Wilson asserted that his set of rules was intended primarily as an aid to seconds. "I believe that nine out of ten, if not ninety-nine out of a hundred, originated in the want of experience in the seconds."<sup>4</sup> Mrs. Stephen Decatur, as previously noted, blamed her husband's second for the duel that took the Commodore's life. Decatur had not wanted to duel Barron, she insisted, but his second, Commodore Bainbridge, did nothing to bring about a reconciliation.<sup>5</sup>

The rules, were, in fact, often violated. One fire was supposed to satisfy honor, but Representative James Cilley was killed on third fire--all the more inexplicable because he and Graves had been close friends.<sup>6</sup> DeWitt Clinton's duel with John Swartwout ended on fifth fire when

---

<sup>4</sup>Wilson, Code of Honor, p. 10.

<sup>5</sup>Spaulding, "D. C. Duelling," Records of the Columbia Historical Society, XXIX-XXX, p. 153.

<sup>6</sup>Sabine, Notes on Duelling, pp. 89-109.

the latter was wounded in his left leg--having already been wounded in his other leg on a previous fire. Even with this second wound, Swartwout declared himself unsatisfied, but Clinton refused to proceed further and left the field.<sup>7</sup>

Israel Putnam, as we have seen, broke the rules with delicious delight by choosing a powder keg with a lighted candle for his affair with a British officer.<sup>8</sup>

Some affairs could contain a mixture of adherence and non-adherence to the rules of the code. A duel in Savannah in 1860 was conducted according to all the rules except in its conditions--double-barrelled shotguns with buck shot at forty yards. The participants, two gentlemen named Nelmes and Holmes, went through with the fight, in which the former got half a dozen shots of first fire. But the redoubtable gentleman "stood firmly in his place and demanded a second fire."<sup>9</sup> The seconds, however, now construed their duties more strictly and refused to allow a second volley.

However much men might deplore a death by duelling, a principal who allowed unusual conditions was considered responsible for his fate. Such was the case of John Hampden

---

<sup>7</sup>Seitz, Famous Duels, p. 79.

<sup>8</sup>Ibid., p. 17.

<sup>9</sup>George Mercer Diary, Vol. I, in S. H. C. at UNC-CH., pp. 223-224.

Pleasants, editor of the Richmond Whig, killed by Thomas Ritchie, son of the editor of the Richmond Enquirer. They met near dusk in a secluded spot, armed with knives, pistols, and a rifle. They advanced upon each other, firing at will. A Washington, North Carolina, attorney, William Valentine, though a supporter of Pleasants and his causes, sadly laid the blame upon Pleasants: "It was not a regular duel," he noted, but Pleasants was more at fault because he proposed a private meeting in which any means would be permissible.<sup>10</sup>

Most duels were, in fact, held in secluded spots hidden from public view. Because these conflicts were considered private matters between the two principals, publicity was eschewed and pains taken to keep them secret. The Burr-Hamilton negotiations lasted over a month and they even met at a Society of Cincinnatus banquet without their closest intimates learning of the impending encounter. The great majority of meetings were held with only seconds and surgeons present. Because duelling was early made illegal in all states, many combats were held in states in which the principals did not reside and, if possible, straddling county lines in the "foreign" state. Such contraventions were calculated to intensify legal complications in the event officials sought to prosecute.

---

<sup>10</sup>William Valentine Diary, Vol. VIII, March 18 and 21, 1846, in S. H. C. at UNC-CH.

Most towns and cities in duelling areas had favorite spots to which gentlemen resorted to settle their differences. In Kentucky, such a meeting place was the James K. Duke farm on the line between Fayette and Scott counties, within easy reach of Lexington, six and one-half miles away.<sup>11</sup> A sandbar appropriately dubbed "Bloody Island" in the Mississippi River was the preferred site of St. Louis duellists.<sup>12</sup> South Carolinians frequented a lighthouse on Tybee Island, Georgia, while Savannah gentlemen journeyed to Screven Ferry, South Carolina.<sup>13</sup> Washington race track near Charleston was that city's most prominent ground, while the water front near Wilmington, N.C., was dominant in North Carolina duels.<sup>14</sup> Before Hamilton's death, Weehawken, N.J., often figured in duels for the middle states.

For accommodation of duellists from all sections of the nation, no site was more frequented than that in Bladensburg, Maryland. Easily accessible from the nation's capital, it was the scene of over fifty encounters, and there were others in the nearby vicinity. Secluded by tangled recesses of a ravine, on sunken ground surrounded

---

<sup>11</sup>

Coleman, Kentucky Duels, pp. vii-ix.

<sup>12</sup>

Walter B. Stevens, Missouri: The Center State 1821-1915 (Chicago: S.J. Clarke Pub. Co., 1926), I, p. 76.

<sup>13</sup>

Gamble, Savannah Duels, p. 195.

<sup>14</sup>

Wallace, South Carolina, III, p. 89; and Weeks, "The Code in N.C.," Magazine of American History, passim.



by a thick circle of trees, the grounds were impervious to sight and sound. Maryland, like all other states, had laws against duelling, but it applied only to its own citizens. Thus, Bladensburg was found ideal for *affairs* of honor between congressmen, editors, officers, diplomats, and others of sensitive temperament.<sup>15</sup>

But perhaps the most picturesque duelling site was the Allard plantation near Metairie, Louisiana. So often used that its trees became known as the Duelling Oaks, the plantation was a favorite meeting place of New Orleans's gentlemen. Under the oaks, Creole gentlemen sometimes duelled on horseback--the Louisiana version of the medieval joust, with swords the usual weapon and death the frequent result.<sup>16</sup>

Thus, despite the presence of rules intended to encourage uniform conduct on the field of honor, men would often risk their lives in their own preferred fashion. Most, however, followed the rules--or at least the rules as they were understood in their own section of the country. Granted that there were local variations in the rules, still all were ostensibly aimed at letting men vindicate their honor in

---

<sup>15</sup>Spaulding, "D. C. Duelling," Records of Columbia Historical Society, XXIX-XXX, generally.

<sup>16</sup>Rollin G. Osterweiss, Romanticism and Nationalism in the Old South (New Haven: Yale University Press, 1949), pp. 168-169; and Lyle Saxon, Fabulous New Orleans (New York: The Century Co., 1928), Chapter 13, *Passion*.



an orderly fashion, and, for the most part, the rules promoted that end.

#### IV. THE DUEL IN THE SOUTHEAST

In any discussion of life in the ante-bellum South, the upper class must be considered first. Perhaps in no other society in America were leaders more a reflection of the aspirations of the society at large. Southern leaders were usually men considered by their fellows the ablest and wisest to guide their affairs. Accordingly, to study the goals toward which the general populace was striving, it is necessary to observe the men that Southerners selected to lead them.

There was a division of opinion among Southern men in regard to duelling. The custom had its adherents, obviously, but some of its severest critics were also Southerners. These will be discussed more fully in later sections, but it is important to note here that duelling never did gain universal approval or praise in the South.

From the first, Southern leaders repaired to the field of honor for "satisfaction" for wounded honor. The cause for offense could occur anywhere, even in a courtroom. A witness in a North Carolina case in 1804 called out an attorney who had reflected upon his character during cross-examination; the witness was wounded for his trouble.<sup>1</sup> Most

---

<sup>1</sup>Weeks, "Code in N. C.," Magazine of American History, p. 453.

assuredly it was possible for men to feel so strongly about love that they would duel and die for it. One such duel that shocked North Carolinians occurred in 1846 between Thomas F. Jones and Dr. Daniel Johnson of Edenton, North Carolina. The doctor was found "under suspicious circumstances"<sup>2</sup> with Jones's wife. Protesting that he was innocent of any wrongdoing, Johnson sold out his practice and left Edenton. But Jones was not so easily put off; he pursued Johnson and finally a duel was arranged for Bladensburg, Maryland. Being near-sighted, Jones had prepared by practicing holding his pistol perpendicularly and raising it level with a man's body. He acquired the skill to cut a tape with a pistol shot. Johnson, claiming his innocence till the end, held his pistol over his head, refusing to fire. Undaunted, Jones killed him on first fire.<sup>3</sup>

The most fruitful source of duels was that passion of the Southerner, politics. Representatives in Congress made innumerable trips to the duelling grounds and, all things considered, suffered remarkably few casualties. Perhaps a clue lies in a story related by Myra Spaulding of an 1836 affair between Representatives James A. Bynum of North

---

<sup>2</sup>William Valentine Diary, Vol. 8, February 5, 1846, in S. H. C. at UNC-CH.

<sup>3</sup>Weeks, "Code in N. C." Magazine of American History, p. 451.

Carolina and David Jenifer of Maryland. After four ineffectual rounds had been fired, Jenifer's colored hackman asked the surgeon in attendance, "Say, Massa, when dese genmen goan begin to fight?"

"Why, don't you see they have already fired four times?"

"Oh. I fo't dey was jes practicin'."

Bynum and Jenifer fired six rounds without effect and were afterwards the objects of sharp ridicule in the capital.<sup>4</sup>

Duelling was usually a much more serious matter. The first congressman killed in an affair was apparently Armistead T. Mason of Virginia, a victim of John McCarthy, also of Virginia.<sup>5</sup> This duel evoked the usual denunciations of duelling and sympathy for Mason's relatives, but did not deter gentlemen from later returning time after time to the field of honor. The participation of Northern congressmen in these contests has already been noted; Southern congressmen warred not only with their Northern colleagues, but among each other as well. The slavery issue caused anger among Southerners as well as toward the North, and ideological differences would sometimes find arbitration under the oaks. Such an encounter occurred in 1845 over the

---

<sup>4</sup>Spaulding, "D.C. Duelling," Records of the Columbia Historical Society, XXIX-XXX, pp. 180-182.

<sup>5</sup>Seitz, Famous Duels, p. 281.

question of extending slavery into Texas, when Representative William L. Yancey of Alabama favored it and Representative Thomas L. Clingman of North Carolina opposed it. The question was submitted to their pistols, which settled nothing; after one fire, Maryland police arrived to end the incident.<sup>6</sup>

The last duel known to have resulted from heated words in Congressional debate took place in 1851 between Representative Edward Stanly of North Carolina and Representative Samuel Inge of Alabama. On the Bladensburg field, the two men exchanged one bloodless fire before their dispute was mediated by their seconds, one of whom was none other than Jefferson Davis.<sup>7</sup>

Stanly's duel was the last of several in which members of his family participated. In 1802 John Stanly killed Richard Dobbs Spaight in North Carolina's most notorious duel. Spaight was 44 at the time, Stanly 28. Not content with having killed Spaight, Stanly afterwards took delight in intimidating young Richard Dobbs Spaight Jr. with gestures and facial expressions.<sup>8</sup> John's brother, Thomas, was killed in 1812 by Louis Henry over insults exchanged

---

<sup>6</sup>Weeks, "Code in N. C.," Magazine of American History, p. 454.

<sup>7</sup>Spaulding, "D. C. Duelling," Records of Columbia Historical Society, XXIX-XXX, pp. 203-204.

<sup>8</sup>Weeks, "Code in N. C.," Magazine of American History, p. 449.

at a ball. Henry was Speaker of North Carolina's House of Commons in 1832 and a candidate for governor in 1842. Another brother, Richard Stanly, died in 1824 in a sword duel of unknown cause in the West Indies.<sup>9</sup>

A kind of duelling dynasty in South Carolina was the Rhett family of Charleston. Though Robert Barnwell Rhett himself strongly disapproved of duelling and refused to participate in them, his sons seemingly could not get enough of them. In July of 1853 Alfred M. Rhett was warming to his position with a near duel with Isaac M. Dwight; the dispute was adjusted without bloodshed upon arbitration by friends of both men. They had disagreed over Rhett's characterization of Dwight as "false, contemptible, and malignant."<sup>10</sup>

Two years later Alfred became embroiled in a pending duel with Colonel W. R. Layton over the matter of whether a carriage or a horseman has claim to the right of way on a highway. Rhett, in his carriage, had encountered Colonel Layton and another horseman; his twice-given warning of approach offended Layton, who demanded an apology. Rhett replied: "I considered it a settled principle, that a horseman should give the road to a vehicle." With that

---

<sup>9</sup>Ibid.

<sup>10</sup>Letters of July 30 and August 1, 1853, Robert Barnwell Rhett Papers in S. H. C. at UNC-CH.



grandiose explanation, the correspondence ends.<sup>11</sup>

In August of 1862, this same Rhett duelled with Arnoldus Vanderhorst and both men emerged unhurt.<sup>12</sup> But less than one month later, Rhett duelled and killed Colonel Ranson Calhoun, nephew of John C. Calhoun.<sup>13</sup>

Another son of Senator Rhett, Edmund, wrote an article in the Rhett's newspaper, the Charleston Mercury, that led to a duel fatal to a Mercury editor, William R. Taber. The article had offended congressional candidate, Judge A. G. Magrath, whose brother, Edward, challenged editor Taber. Young Rhett then revealed that he had written the article and "called upon Judge Magrath to notice then himself, and thus prevent the friends of the respective parties from being principals."<sup>14</sup> Rhett's efforts were to no avail; Taber and Magrath carried through with the duel as planned, the former meeting his death on third fire. The following day Judge Magrath withdrew from the Congressional race.

Despite the seriousness of duelling, it could at times be a means of light entertainment. In 1845 in Wilkesboro, North Carolina, a fighting matter arose when a Mr.

<sup>11</sup>Ibid., Letter of February 10, 1855.

<sup>12</sup>Meto Morris Grimball Papers, p. 66, August 19, 1862. In S. H. C. at UNC-CH.

<sup>13</sup>Ibid., pp. 74-75, September 17, 1862; or R. B. Rhett Papers, October 1862-January 1863. Both in S. H. C. at UNC-CH.

<sup>14</sup>John Berkely Grimball Diary, entries for September 30-October 2, 1856. In S. H. C. at UNC-CH.

Bogle obtained and publicly showed about some letters written by a Mr. Tedewell to a Miss Clarington. Not surprisingly, Tedewell was angered and cursed Bogle "most ridiculously right in his face." Bogle replied with a challenge "in order to have some fun." Apparently Bogle was able to arrange the affair so that no balls were put into the pistols. Nevertheless, when Tedewell fired upon him he "was so frightened it was some time before he fired." Tedewell had stood "perfectly calm" until his opponent had fired, then went to examine a fence nearby to discover where his ball had hit. Failing to find a trace of his ammunition, Tedewell told the seconds to re-load, but the intrepid Bogle was now "anxious to quit." Whereupon Tedewell discovered the fun had at his expense, "which made him very mad." The seconds intervened and presently both chivalrously left Wilkesboro to allow most of the ridicule<sup>u</sup> to fall upon the hapless Miss Clarington.<sup>15</sup>

Sometimes such a mock duel did not end so happily. Hertford County, North Carolina, lawyer William D. Valentine relates the tale of an 1838 duel (location not disclosed) wherein a gentleman challenged had accepted in "fun." The challenged apparently had intended to fix the pistols so that his would fire a real bullet--harmlessly, presumably--while the challenger's would have no ball. Valentine

---

<sup>15</sup>Letter from A. L. Hackett, March 16, 1845, Gordon-Hackett. In S. H. C. at UNC-CH.

relates that the challenger, unsuspectingly, double-checked his pistol and discovered his second's "mistake." Remediating the oversight, he fired and "the principal funning fell dead!"

Still not suspecting anything, the principal started for home when the stunned onlookers bestirred themselves and came after him with "pistols, shouts, and noises." Stopping to ascertain the nature of their consternation, he was arrested and placed in jail. Unfortunately, the manuscript does not reveal the final disposition of this man's case.<sup>16</sup>

Still, the duel's potential for amusement was found even within the somber and staid halls of academe. Once President David L. Swain of the University of North Carolina was challenged by a Mr. Land of Louisiana for damages against his son. Mr. Manuel Fetter of the faculty was jolted when, at a faculty meeting, a Professor Kimberly proposed that, in view of Swain's age, the duel should be taken up by Mr. Fetter. Angry and sputtering, Fetter rose and expressed his complete abhorrence of duels for any purpose--even defending an elderly university president.<sup>17</sup>

Such faculty dislike of duelling could sometimes be played upon by student pranksters. A student would be sent

---

<sup>16</sup>Valentine Diary, Vol. II, April 20, 1838. In S. H. C. at UNC-CH.

<sup>17</sup>Kemp P. Battle, History of the University of North Carolina 1789-1868 (Raleigh: Edwards & Broughton Printing Co., 1907), I, p. 529.

to tell an instructor of an impending duel; off the concerned counselor would charge into the night, bent on averting bloodshed and tragedy in Chapel Hill. When he was deep enough into the dark woods, students would fire off an explosion that sent the frightened peace maker scurrying home. Dr. W. P. Mallett turned the tables, however, when a student prankster called with a tale of impending tragedy, only to be charged \$2 for a professional<sup>al</sup> call.<sup>18</sup>

Real duels did occur in Chapel Hill, however. One in 1802 involved Samuel G. Hopkins of Kentucky and John W. Hawkins of North Carolina, both of whom were expelled and refused readmittance.<sup>19</sup> Shortly afterwards in 1803 a rash of bitter quarrels on the campus resulted in several challenges issued and accepted, bringing an angry board of trustees into the picture. One, Colonel William Polk, an officer in the Continental army, wrote a stinging letter to the student body, describing duelling as "...intolerable madness....folly in its most gigantic and hideous shape; insanity replete with consequences too direful and deleterious to be tolerated....treason against the state." Fortunately, the Colonel was persuaded that the danger had passed and he dropped his threat to gather some trustees to visit the

---

<sup>18</sup>Ibid., p. 580.

<sup>19</sup>Blackwell P. Robinson, William R. Davie (Chapel Hill: University of North Carolina Press, 1957), p. 269.

campus to dispatch the offenders.<sup>20</sup>

Experiences of other colleges and universities were similar to North Carolina's. College students believed in the propriety and necessity of the duel, as evidenced in a student vote at the University of Georgia. There, the "Demosthenians," a secret debating society, debated and affirmed in 1838 that a gentleman's right to settle arguments by duel should be upheld.<sup>21</sup> In Camden, South Carolina, an iron man was set up by some college students for practice in duelling marksmanship.<sup>22</sup>

All university administrations appear to have opposed the duel. Under Jefferson's plans for the University of Virginia, the only student offense punishable by outright expulsion was duelling.<sup>23</sup> This policy was apparently modified from place to place; Professor E. Merton Coulter asserts that, contrary to practice elsewhere in the state, a duel at the University of Georgia was punishable by expulsion.<sup>24</sup> On the other hand, participants in duels at the University of South Carolina in 1807 and 1808 were not

<sup>20</sup>Battle, University of North Carolina, I, pp. 198-199.

<sup>21</sup>E. Merton Coulter, College Life in the Old South (New York: MacMillan Co., 1928), p. 134.

<sup>22</sup>Wallace, History of South Carolina, III, p. 88.

<sup>23</sup>Thomas P. Abernethy, An Historical Sketch of the University of Virginia (Richmond: Dietz Press Inc., 1948), p. 8.

<sup>24</sup>Coulter, College Life in Old South, p. 78.



expelled.<sup>25</sup>

The University of South Carolina saw one particularly tragic duel involving two of its students. One evening in the school's dining hall, A. Govan Roach and James G. Adams got into a tug of war over a dish of trout. Roach eventually turned the plate loose, telling Adams as he did so, "Sir, I will see you after supper." The after-dinner meeting led to a challenge from Adams, which Roach accepted. The seconds to these young men were General Pierce M. Butler, later governor of South Carolina, and legal scholar D. J. McCord--both of whom were severely criticized for not using their influence to squelch the affair. They duelled ten miles from Columbia. The first fire was passed when Roach's pistol caught in his coat flap; Adams lowered his pistol to allow his friend another chance. The gesture cost Adams his life on the next fire.<sup>26</sup>

Such incidents, however, did not deter young men from repairing to the field of honor to prove their courage. At one time or another most of the South's foremost leaders had recourse to the duel or close calls with it. The eminent John C. Calhoun himself never duelled, for instance,

---

<sup>25</sup>Edwin L. Green, History of the University of South Carolina (Columbia: The State Co., 1916), p. 244.

<sup>26</sup>Ibid., pp. 244-245.



but narrowly avoided at least two duels, one in 1814 and another in 1838.<sup>27</sup> Some of these men had their first experience with the practice during college days, as in the case of John Randolph of Roanoke. During the winter of 1792-1793, while at William and Mary, Randolph enraged an opponent, Robert B. Taylor, during a debating exchange. Randolph's ability to reduce an opponent to smothering fury with his tongue got him a challenge on this occasion. This one ended harmlessly, as did his encounter with Henry Clay in 1826.<sup>28</sup>

Even the ablest of men were not immune to a challenge. A chillingly (at least to a Southerner) close call came in 1852 at the Virginia Military Institute. There a student named James A. Walker felt offended by a remark of his mathematics teacher, Thomas J. Jackson, the future Confederate General, and the latter found himself challenged. The affair was suddenly terminated when Walker was court-martialed and dismissed from school, relieving Jackson of making a decision on the challenge and saving the South from the possible loss of its redoubtable Stonewall.<sup>29</sup>

---

<sup>27</sup>Wallace, History of South Carolina, III, p. 89.

<sup>28</sup>Gerald W. Johnson, Randolph of Roanoke (New York: Minton, Balch & Co., 1929), p. 89.

<sup>29</sup>Franklin, The Militant South, pp. 18-19.

The South's future leaders took their custom wherever they went. In 1805 there was much consternation among the trustees of Princeton University over the mood of revolt among its students. The situation was aggravated by the fact that many in the student body came from the Southern plantation aristocracy, "whose code of honor was obnoxious to the trustees." Shocked to learn that several student duels had already occurred, the trustees decreed that any participant in such an affair must be expelled.<sup>30</sup> It was not reported whether or not this threat amended the conduct of the gentlemen of Princeton.

---

<sup>30</sup>Thomas Jefferson Wertenbaker, Princeton 1746-1896 (Princeton: Princeton University Press, 1946), p. 135.

## V. WESTWARD

As were most American institutions, the duel was taken from the older settled areas of the eastern seaboard and transported to new environments beyond the mountains. And, as most emigrants from the seaboard tended to move directly west, the duel, too, moved westward in a direct line into such areas as the Lower South, Tennessee, Kentucky, Missouri, and eventually to California.

One western sector that did not need the duelling custom imported from the east was the Gulf coast region dominated by New Orleans. For while European officers gave the duel its original stimulus during the American Revolution, the French in Louisiana gave it a renaissance in the years following Hamilton's death. The French émigrés who fled to Louisiana after the fall of Napoleon popularized the duel and accounted in no small measure for making it a part of life in the ante-bellum South.<sup>1</sup>

The duelling spirit had been present even before the Napoleonic émigrés arrived. There had been occasional combats between French and Spanish officers before the Louisiana Purchase in 1803, while Creoles sent to study in

---

<sup>1</sup>Boorstin, The National Experience, p. 207.

Paris had been influenced by duelling customs there.<sup>2</sup> This early mixture of French and Spanish elements produced a highly volatile reaction, and the later addition of Anglo-Saxons produced melting-pot fireworks. On one Sunday alone in 1839 ten duels were fought in New Orleans.<sup>3</sup> It was reported that "...the rage for duelling is at such a pitch that a just or smart repartee is sufficient excuse for a challenge..."<sup>4</sup>

Before Americans arrived in the early 1800's the French and Spaniard duellers preferred to use swords. As that weapon was unfamiliar to the Anglo-Saxons, they were often maneuvered into issuing the challenge. The challenged, of course, generally had the choice of weapons; and he usually chose swords, thus giving himself an advantage over the upstart easterner. Though pistols gradually came into common use, New Orleans remained unique in that many of its duels continued to be fought with swords rather than firearms.<sup>5</sup>

Not every gentleman, of course, possessed skill in

---

<sup>2</sup>Osterweiss, Romanticism and Nationalism in Old South, p. 96.

<sup>3</sup>Boorstin, The National Experience, p. 209.

<sup>4</sup>Franklin, Militant South, p. 11.

<sup>5</sup>Harnett Kane, Gentlemen, Swords and Pistols (New York: William Morrow & Co., 1951), p. 141.

weaponry sufficient for risking his life on the field of honor. For such men, duelling academies were established in many locations throughout the South--most of them, appropriately enough, being in New Orleans. The duelling masters usually offered two types of classes: One for regular students who had time to practice, and another for special students confronted with impending duels.<sup>6</sup>

These duelling masters themselves often contended with each other for leadership and rank within their profession. The best in New Orleans was a Spaniard, Don José Llulla (called Don Pepe), whose prowess was rarely risked by his colleagues. He is said to have participated in at least thirty full-scale duels, and was an adviser at more than one hundred others. He disdained long drawn out matches and so usually made short work of his opponents. In his later years he ran a cemetery business in addition to his duelling academy; in New Orleans there was a saying that Don Pepe would run his sword through you, they bury you at a cut rate.<sup>7</sup>

Still, Don Pepe and New Orleans did not monopolize the duel; it also found an enthusiastic following in the frontier areas. Law and order in these newer settlements was often non-existent, necessitating one's looking to

---

<sup>6</sup>Ibid., p. 142.

<sup>7</sup>Ibid., p. 151.



his own protection. The result was often a brawl or shoot-out on the spot.<sup>8</sup> Such informality gradually gave way as the older Southern families moved west, bringing the code duello with them and establishing more genteel methods of settling disputes. Advocates of the duel claimed, with some justification as far as the frontier was concerned, that the niceties of the code prevented impromptu brawls that could injure innocent bystanders.<sup>9</sup>

Acknowledgement of the right to personal satisfaction was expressed in 1820 by Governor Robert Crittenden of Arkansas in that state's legislature: "In an unsettled country, such as Arkansas, a man of proven character must be at liberty to protect his character."<sup>10</sup> Writing from St. Louis in 1816, the Reverend Timothy Flint observed that duelling was practiced by a small class "that denominate themselves 'the gentlemen'. It can not be a matter of astonishment that these duels are common here when we recollect that the fierce and adventurous spirits are naturally attracted to these regions."<sup>11</sup>

Flint had good reason to lament the spirit of St.

---

<sup>8</sup>Osterweiss, Romance & Nationalism in Old South, pp. 200-202.

<sup>9</sup>Coleman, Famous Kentucky Duels, p. vii.

<sup>10</sup>Dallas Herndon, Centennial History of Arkansas (Chicago: S. J. Clarke Publishing Co., 1922), I, p. 982.

<sup>11</sup>Stevens, Missouri: The Center State, I, p. 87.



Louis. Thomas Hart Benton and his brother, Jesse, were already on the scene, having fled Tennessee and the wrath of Andrew Jackson. Until he died, Benton was the focal point of Missouri duelling; when he himself was not a participant, his political followers and opponents were having at each other on the field of honor. More chilling, however, was a St. Louis duel in 1837 between Thomas Biddle and Representative Spencer Pettis in which the combatants stood a mere five feet from each other. Both were killed.<sup>12</sup>

Similar conditions prevailed to the south of Missouri in Texas, where one could find both the formal duel and the "shoot-out" familiar in Western movies. The attitude of Texas was similar to that found by Flint in Missouri. A traveler in Texas in 1837 said of the men in Houston: "... there were some who seemed to think that there was no better way to employ their time than to lecture upon the principles of honor, to lay down laws of the pistol, and to let no occasion pass to encourage others to fight."<sup>13</sup>

The duel did not stop its westward trek in Texas. When the California Gold Rush of 1849 again produced an untamed environment that bred arguments and fights, arrivals from the older southern areas brought along their code duello and infused some formality into settlements. Con-

---

<sup>12</sup>Ibid., I, pp. 91-93.

<sup>13</sup>Andrew Forest Muir (ed.), Texas in 1837 (Austin: University of Texas Press, 1958), p. 38.

sequently, while the duel was declining in the South in the 1850's, the practice flared up again on the West Coast. A San Francisco editor at last felt obliged to post a notice outside his office: "Subscriptions received from nine to <sup>14</sup>four, challenges from eleven to twelve only."

The journalist just noted struck a note of humor that sometimes pervaded some duels, despite the usual harshness of a western affair. Such an instance was a Denver, Colorado, duel in 1887, at a time when the duel had practically disappeared from the country. Involved were two ladies of easy virtue: Mattie Silks and Katie Fulton, operators of rival houses. They were drawn into heated competition for the affections of one Cortez "Cort" Thompson, a handsome Texan with a liking for flashy clothes, fast women, copious draughts of liquor, and a minimum of work. Cort was noted as a foot-racer in Colorado and, after one particularly notable triumph, Mattie threw a beer party for him. Katie was present at the party and feminine interests collided during the course of the evening, resulting in a challenge. Cort acted as Mattie's second, a gambler named Sam Thatcher was Katie's. On the banks of the Platte River at thirty paces, the ladies whirled and fired. Neither was hit--but Cort was, shot through the neck. No one, least of all the duellists, knew from whose gun the bullet had come.

---

<sup>14</sup>

Kane, Gentlemen, Swords and Pistols, pp. 239-240.

Cort recovered fully, however, to remain Mattie's lover.<sup>15</sup>

The west gained its reputation at the time duelling was declining in most areas of the South, just prior to the outbreak of the Civil War. It would be difficult to say that any one area of the South predominated in duelling, with the possible exception of New Orleans. But while the Creole duellists fought in greater numbers, Kentucky and Tennessee gained the foremost notoriety. Alexis de Tocqueville observed in 1831:

The inhabitants of Kentucky and Tennessee are well known throughout the Union for the violence of their behavior...if what we were told is true, they seem to deserve that reputation...<sup>16</sup>

The duel came to both states in the waning years of the eighteenth century. It followed the familiar frontier pattern of brawls gradually yielding to the mannerly code as members of older families moved in from Virginia,

---

<sup>15</sup>Ronald Dean Miller, Shady Ladies of the West (Los Angeles: Westernlore Press, 1964), pp. 96-99. The incidence of female duels was rare in Europe, and apparently rarer still in America. Besides the Silks-Fulton affair discussed above, I have encountered but two other occasions of females resorting to the field of honor. One was in 1817 in Georgia between two young ladies bitterly contesting for the love of a young man. He unsuccessfully attempted to arbitrate the dispute, which ended with one of the young ladies seriously wounded. The young man soon married the victor. Baldick, The Duel, p. 177. The other incident was in Buffalo, New York, in 1853. Jane Hall of Rochester came to duel Catherine Hurley. Seconds had been chosen and they were on a toll-bridge preparing to fight when police arrived to stop the affair. Sabine, Notes on Duelling, p. 192.

<sup>16</sup>Alexis de Tocqueville, Journey to America, ed. J.P. Mayer (London: Faber and Faber Ltd., 1959), p. 269.

the Carolinas, and Maryland. During its stormy run in these areas, the duel featured such names as Thomas Hart Benton, Andrew Jackson, Henry Clay, and Cassius Clay. Though Senator Benton was later a strong supporter of President Jackson, the two were bitter enemies when they were both attorneys in Nashville, Tennessee. Though personal political rivalry accounted for much of their enmity in these days, the Benton-Jackson feud was undoubtedly aggravated by an experience suffered by Benton's younger brother, Jesse. Little Jesse had been involved in a duel in which Jackson had served as a second to the former's opponent. To make a smaller target, Jesse employed the ungentlemanly ruse of turning sideways and crouching. Undismayed, his opponent took careful aim and the bullet creased Jesse across his protruding rump. Deeply humiliated, Jesse lay brooding in a Nashville hospital, blaming Jackson for this opportunity to lie on his stomach, and angry that his was the butt of many jokes. When he recovered, he and his brother were involved in a fray nearly fatal to both sides, after which the Bentons left for the comparative safety of the Missouri frontier.<sup>17</sup>

Jackson himself was a life long adherent to the code, having first come into contact with it as a young man in Charleston, South Carolina. He went from one

---

<sup>17</sup>Seitz, Famous Duels, pp. 158-175.

altercation to another throughout his life, among which were at least two duels and several unaccepted challenges. His most noted encounter was with Charles Dickinson, a fellow attorney of Nashville. The causes revolved around politics, insults toward Jackson's wife Rachel, and debts owed Jackson by his rivals from a horse race. As Dickinson was reputedly the best shot in Tennessee, there was reason to suspect that he was pushed into the duel by Jackson's rivals, who wanted to be rid of him. At least Jackson believed this to be the case. They duelled in Logan County, Kentucky, in order to avoid anti-duelling laws of Tennessee and to frustrate Kentucky officials, who would be helpless to prosecute once they were back in Tennessee. Dickinson had reportedly bet \$500 that he would bring down Jackson on first fire, and his first bullet went into Jackson's chest. The general, who had held his fire just as he had planned, then steadied himself, took cool aim, and pulled the trigger. When his pistol stopped at half-cock, he calmly recocked and fired, killing Dickinson.<sup>18</sup>

Kentucky itself had the additional problem of being a border state, thereby containing a vocal body of opinion on both sides of the slavery issue. Not surprisingly, that antagonism over slavery led to many duels prior to the Civil War. And even after the war Kentucky's border position

---

<sup>18</sup>Coleman, Kentucky Duels, pp. 25-28.



caused duels, as within its borders were men who had fought on both sides and who harbored a natural dislike of their opponents in the late conflict. Earlier, it had been a Kentuckian, Representative William Graves, who was involved in the 1838 duel that killed Representative Jonathan Cilley of Maine, thereby greatly tarnishing the image of the duel, even in the South.



## V. OPPOSITION TO DUELLING

### A. Private Opposition

While duelling did not lack defenders, it was not without its opponents, Vilifiers of the code were present from its inception and they had the last word when it finally died out. For while duelling was an honored component of upper class ante-bellum Southern life, criticism of it was never tabooed as criticism of slavery. As early as 1784 George Washington replied to General Nathanael Greene, who had sought his commander's advice upon a challenge by a Captain James Gunn:

...your honor and reputation will stand, not only perfectly acquitted for non-acceptance of the challenge, but that your prudence and judgment would have been condemned by accepting it.<sup>1</sup>

The custom was so repugnant to Thomas Jefferson that he relented in his opposition to capital punishment to advocate that "murder by duelling shall be punished by hanging and, if the challenger, the body shall be gibbeted." Furthermore, half the offender's goods should go to the kin of the slain party and half to the heirs. If, however, the slain were the challenger, nothing should go to his kin but, instead, a "moiety to the state."<sup>2</sup>

---

<sup>1</sup>Gamble, Savannah Duels, pp. 74-75.

<sup>2</sup>C. M. Wiltse, The Jeffersonian Tradition in American Democracy (Chapel Hill: University of North Carolina Press, 1935), p. 168.

For years after Washington and Jefferson made known their feelings, men of low and high station in the South echoed their sentiments. The code often came under assault even in its bailiwicks, Kentucky and South Carolina. In 1849 a Kentucky law professor told the graduating class of the University of Kentucky that duelling was "rough and coarse, and full of horrid crime."<sup>3</sup> The Reverend William H. Barnwell of Charleston in 1844 characterized duelling as "heathenish, impious, and absurd," not to mention un-Christian.<sup>4</sup> A young North Carolinian who read Barnwell's sermon noted that it was directed toward the "chivalry" of South Carolina, and expressed the hope they would attend unto its injunctions for their own good.<sup>5</sup>

Even so eminent a defender of all things Southern as Senator Robert Barnwell Rhett of South Carolina refused to abide by the rule of the code. Criticized in 1852 for refusing a duel with Senator Jeremiah Clemens of Alabama, Rhett publicly declared that he would not dishonor his Christian faith by going to the field of honor to avenge an insult. "I fear God more than man," he said, "True courage is best evinced by the firm maintainance of our principles

---

<sup>3</sup>Sabine, Notes on Duelling, p. 40.

<sup>4</sup>Franklin, Militant South, p. 59.

<sup>5</sup>August 20, 1844, William Hooper Haigh Papers.  
In S. H. C. at UNC-CH.

amidst all temptations and trials."<sup>6</sup>

Like sentiments were expressed by Joseph Gales, editor of the Raleigh Register, on March 17, 1826:

The blood-thirsty and lawless custom of duelling is so repugnant to religion, justice and mercy, and so strongly tinged with the barbarity and ignorance of the Gothic ages which gave birth to it, that every fresh instance is a reflection on the humanity and policy of civilized nations.<sup>7</sup>

Perhaps the most eloquent condemnations of duelling came from Southern women who could understand the loss of a son or husband. One such testimonial was written by Mrs. Phoebe Elliott, wife of a Beaufort, South Carolina, planter related to the Pinckneys, Barnwells, and Rhettts. In a letter to her son William, a student at Harvard, Mrs. Elliott related the story of a duel between two young Beaufort men called "Hutson" and "Smith." It was a rare case of a double fatality, of which Mrs. Elliott avowed she would ever be able to

think of without horror...What, then, must their wretched parents have suffered. What do they not still suffer? Smith, I have heard, was the best of his family, the last, the only hope of his father (his two other sons being very dissipated)... and his mother says she does not know how to live without him. Hutson was also the darling of his mother, and I have learned with regret that she will

---

<sup>6</sup>Sabine, Notes on Duelling, p. 40.

<sup>7</sup>Guion B. Johnson, Ante-Bellum North Carolina (Chapel Hill: University of North Carolina Press, 1937), p. 44.

not long survive the loss of her favorite son.<sup>8</sup>

Even more harsh and direct was Mrs. Nancy C. Griffin of Woodville, Mississippi, writing to her sister in New Iberia, Louisiana. Mrs. Griffin related the events leading up to two duels that had already resulted in two deaths--both arising from the same dispute. At the writing, the surviving principal of one of the duels, a Mr. Leigh, was paralyzed by a bullet and "dying by inches." The other duel was between a Mr. H. Moore and Fielding Davis, wherein Moore was killed. "It was Moore's wish to compel Davis to challenge him, but Davis would not...Moore conceived himself in honour---bound to challenge Davis, which he did."

Then Mrs. Griffin went on to comment upon this affair and duelling in general:

How awful! How dreadful is duelling! I am opposed to it in every shape and form. For the paltry little word honour (for it has no meaning, in the light men use it) one man has sent a fellow creature to his maker--and the other fell in the act of taking the life of his antagonist. He made his wife a widow and his children orphans. Can you tell me where the honour is, in all that? Is the trifling honour to be compared to the harrowing remorse, the lead of misery, that will follow Mr. Davis to the grave? To think that he has been instrumental in the deaths of two persons in a few weeks...Oh, it must be dreadful, horrible to him. I have heard he was a man of feeling, if so he must feel deeply. But still where is the honour? It is not established here, that is

---

<sup>8</sup>Letter of December 5, 1807, Phoebe Elliott to William Elliott, Elliott-Gonzales Papers. In S. H. C. at UNC-CH.

certain, will it be before his maker?--and poor Mr. Moore, where is his honour? Just where it was before: Those who believe he was honourable, will believe it still, and those who did not, will not change their opinion, merely because he met his antagonist in a duel...<sup>9</sup>

Groups were organized to oppose duelling, a prominent early example being the South Carolina Society of Cincinnati. Following the death of Hamilton in 1804, the Society's leader, General Charles C. Pinckney, campaigned to have the organization condemn duelling. He was supported by such men as David Ramsey, James Lowndes, and Richard Furman. They succeeded in having duelling censured by the Cincinnati group and the South Carolina American Revolutionary Society, but were ignored by younger men who scoffed that these do-gooders had themselves duelled.<sup>10</sup> General Thomas Pinckney succeeded his father as head of the South Carolina Society of Cincinnati and carried on his anti-duelling campaign, but with little success.<sup>11</sup>

In many Southern cities anti-duelling societies were formed to campaign against the code and adjudicate differences whenever possible. The Savannah association was typical of these groups. The society published anti-

---

<sup>9</sup>Letter of June 27, 1839, Caffrey Papers. In S. H. C. at UNC-CH.

<sup>10</sup>Wallace, History of South Carolina, III, p. 91.

<sup>11</sup>Ravenel, Charleston, p. 413.



duel essays in local papers and in 1828 offered a \$50 prize for the best essay denouncing the code duello. Prosecution of offenders was threatened, and this may have prompted many Savannah duellists to journey to South Carolina for their affairs. Though this association's last official meeting was held in 1837, it continued to exist in an unofficial capacity until after the Civil War. During the society's most active period between 1826 and 1837, duels in Savannah declined but afterwards there was a revival of duelling indicating a release of pent-up desires.<sup>12</sup>

These societies were found even in the more unsettled areas removed from the Atlantic seaboard. An Alabama editor commended the formation of an anti-duelling association in Natchez, Mississippi, but doubted it would have much effect. Taking note of existing laws defining death through duelling as homicide, the editor recommended strict enforcement of the law as the best means of eradicating the practice.<sup>13</sup> In Kentucky, an 1818 duel between two Lexington physicians led a number of prominent men of that community to meet and condemn the practice. (Included in the group was Robert S. Todd, father-in-law of Abraham Lincoln). Their condemnations of the code duello were voiced, but their compatriots, if not themselves, continued

---

<sup>12</sup>Gamble, Savannah Duels, pp. 183-188.

<sup>13</sup>Franklin, Militant South, pp. 59-60.



to settle differences upon the field of honor.<sup>14</sup>

It was not uncommon, in fact, for those with the best intentions to succumb to the very practice they opposed. George Wickliffe, youngest son of Robert Wickliffe, one of the prime movers in the Lexington group just mentioned, was killed in a duel in 1829.<sup>15</sup> Despite Robert Barnwell Rhett's denunciations of duelling, his own sons were avid duellists; one, Robert Barnwell Rhett Jr. reprinted Wilson's Code of Honor in 1878.<sup>16</sup> In 1844 a member of the Savannah anti-duel group caned a political opponent; another who was a lawyer and jurist, challenged an attorney who had accused him of unethical conduct.<sup>17</sup>

Thus, whether he liked it or not, the Southern gentleman had to take the code duello into account in his own daily dealings. He knew well what Representative Graves meant when he said after his fatal duel with Representative Cilley:

Public opinion is practically the paramount law of the land; every other law, both human and divine, ceases to be observed, yea, withers and perishes, in contact with it. This forced me, under penalty of dishonor, to submit myself to the code which impelled me unwillingly into this tragic affair.<sup>18</sup>

---

<sup>14</sup>Coleman, Kentucky Duels, p. 46.

<sup>15</sup>Ibid.

<sup>16</sup>Wallace, History of South Carolina, III, p. 92.

<sup>17</sup>Gamble, Savannah Duels, pp. 183-188.

<sup>18</sup>Seitz, Famous Duels, p. 277.

The duel, in short, was unwritten law that became interwoven into Southern culture and, as such, might often be considered to take precedence over written statutes that outlawed the duel.

#### B. Legal Opposition to Duelling

Duelling was an offense at common law,<sup>19</sup> but in Europe as well as in America such prohibitions were practically dead letters. From the beginning, states passed laws intended to suppress duelling in one way or another. In 1719 Massachusetts enacted a statute depriving a duelist of political rights, designating that the body of one killed in a duel should be used for "anatomical demonstration."<sup>20</sup>

The few duels in colonial times apparently were punished. As late as 1791 the survivor of a Virginia duel was put to death,<sup>21</sup> and from 1792-1826 anti-duelling laws were enforced in that state. But in these cases, including the execution in 1791, the participants were common folk, and gentlemen were free from much fear of the law.<sup>22</sup> The only other person known to have been executed for killing

---

<sup>19</sup>State v Fritz, 133 N. C. 725.

<sup>20</sup>Steinmetz, Romance of Duelling, I, p. 299.

<sup>21</sup>Spaulding, "D. C. Duellings," Records of Columbia Historical Society, XXIX-XXX, p. 132.

<sup>22</sup>Ibid.

a duelling opponent was William Bennett, who killed Alphonso Stewart in 1820 in Belleville, Illinois.<sup>23</sup>

Despite occasional convictions in Virginia, it must be stated that punishment was uncommon after the Revolution. In 1784, for instance, a South Carolina duellist convicted of murder heard the jury's verdict, only to be presented with a pardon.<sup>24</sup>

Duellists took care, however, not to flaunt the letter of the law, for anti-duelling laws existed in one form or another in all states. Combatants often traveled to other states to avoid possible, though improbable, prosecution in their own states; and there they duelled only in the presence of their seconds, eluding possible witnesses who might testify against them.

In the unlikely event that a duellist was brought to court, the basis for judging was not whether he had broken the law, but whether the duel had been conducted honorably and fairly. In 1819 in Lexington, Kentucky, Jacob Holeman and the seconds of his late opponent were tried for murder. The duel had arisen over an incident during military muster on July 4, 1819, when Holeman's dog was killed by Francis G. Waring. When Holeman was arrested for killing Waring in the resulting duel, *he* precipitated

---

<sup>23</sup>Sabine, Notes on Duelling, p. 43.

<sup>24</sup>Wallace, History of South Carolina, III, p. 92.

Kentucky's first trial of a duel victor. The jury found Holeman "not guilty" of any crime "against the dignity and peace and the commonwealth of Kentucky." Thus, it was demonstrated that a death in an "honorable" duel was no offense in Kentucky.<sup>25</sup>

All states, North and South, had laws prohibiting duelling, usually providing for a death penalty in case of a fatality and disqualification from holding public office. The laws of North Carolina were typical. North Carolina's anti-duelling legislation came as a reaction to the death of Richard Dobbs Spaight in 1801 and, except for minor revisions, this same law remains in effect at the present time:

Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same; that from and after the passing of this act, no person sending, accepting, or being the bearer of a challenge for the purpose of fighting a duel, though no death ensues, shall ever after be eligible to any office of trust, honour, or profit in this state, any pardon or reprieve notwithstanding; and shall further be leable to be indicted, and on conviction before any of the courts in this state having cognizance thereof, shall forfeit and pay a sum not exceeding £100 (\$200) to the use of the state.

II And be it further enacted, that if any person fights a duel in consequence of a challenge sent or received, and either of the parties should be killed, then the survivor, on conviction thereof, shall suffer death without benefit of clergy.<sup>26</sup>

---

<sup>25</sup>Coleman, Kentucky Duels, pp. 57-58.

<sup>26</sup>N. C., General Statues of North Carolina, Chapter 14, Sub-chapter III, Section 20.

A further provision of the North Carolina law makes it a misdemeanor to have anything to do with a challenge, upon pain of being ineligible to any office of trust, honor or profit.<sup>27</sup>

Such provisions, however, went unenforced in North Carolina and elsewhere. Disqualification for public office was often allayed by action of a state legislature or gubernatorial pardon. In 1841 the Alabama General Assembly excused thirteen citizens from taking the oath disclaiming they had duelled, and similar acts were passed at least twice during the next six years.<sup>28</sup> In 1846 Senator William L. Yancey of Alabama was likewise relieved of responsibility under the law for his duel with F. L. Clingman of North Carolina.<sup>29</sup> Such provisions in a constitution could, however, give some men an excuse to refuse a challenge, claiming responsibilities to public service.<sup>30</sup>

A Savannah grand jury in 1819 noted that officials had not acted to enforce anti-duel laws, adding: "The frequent violations of the law to prevent duelling have made the practice fashionable and almost meritorious among

---

<sup>27</sup>Ibid., Chapter 14, Sub-chap., III, Section 270.

<sup>28</sup>Boorstin, The National Experience, p. 209.

<sup>29</sup>Thomas W. Owen (ed.), A History of Alabama (New York: American Historical Association, 1927), I, pp. 502-503.

<sup>30</sup>Dunbar Rowland, Encyclopedia of Mississippi History (Madison: Selwyn A. Brant, 1907), I, p. 661.



its chivalrous advocates."<sup>31</sup> The same indifference by law officials was observed in Texas in 1837:

The prosecuting attorney for...Houston...whose sworn duty it is to enforce the law, was the principal abettor of all duels fought there during the summer I remained...<sup>32</sup>

It would not be totally accurate to state that nobody was ever indicted under the duelling laws. On November 27, 1833, Joseph Seawell wrote to Daniel M. Barringer, a lawyer and state legislator from Cabarrus County, North Carolina, concerning a duel. Mr. Seawell's friend, Dr. James M. Baird, had recently been convicted of duelling under the 1802 statute prohibiting the sending of a challenge. "It was a shameful prosecution on the part of the party challenged, "Seawell fumed, apparently incredulous that anyone would take the law seriously. Seawell asked Mr. Barringer to use his influence to obtain a statutory pardon for Baird, as "Baird will have little inducement to remain in North Carolina unless he gets his pardon--and he is needed in his state."<sup>33</sup> The appeal was heeded; the General Assembly restored Mr. Baird to "all the privileges of a free man and citizen."<sup>34</sup>

---

<sup>31</sup>Gamble, Savannah Duels, p. 135.

<sup>32</sup>Muir, Texas in 1837, p. 160.

<sup>33</sup>Letter of November 27, 1833, Daniel M. Barringer papers. In S. H. C. at UNC-CH.

<sup>34</sup>Johnson, Ante-Bellum North Carolina, p. 44.



Another case of an arrest was of the "mock" duel in 1838 already cited. One of the duellists, discovering his seconds had neglected to load his pistols properly, remedied the mistake and "the principal funning fell dead!" This duellist was arrested and jailed, but the manuscript source does not reveal the final disposition of the case.<sup>35</sup>

If this unnamed duellist was accorded the same consideration received by most others, his trial was but a formality to vindicate his honor, for if men felt the urge to resort to the code duello for satisfaction, laws did not restrain them. Unwritten law was superior to written law when honor was at stake. The problem that opponents of the code faced was expressed by a Montgomery, Alabama, attorney whom Tocqueville met:

The violence has entered the customs. Each juror feels that he himself may, on leaving the court, find himself in the same position as the accused, and he acquits. The jury is from all the freeholders...The people are therefore judging themselves, and their prejudice in the matter stands in the way of their common sense.<sup>36</sup>

Until the Civil War, that characterization of Southern gentlemen had to stand as true. For, while opposition both in the public and private areas continued, success in stopping the duel was only partial. The coup de grace to

---

<sup>35</sup>Valentine Diary, II, April 20, 1838. In S. H. C. at UNC-CH.

<sup>36</sup>George Wilson Pierson, Tocqueville and Beaumont in America (New York: Oxford Press, 1938), p. 640.

duelling was the Civil War when men everywhere saw enough bloodshed to sate them.

Even so, as late as 1885 the grand jury of Buncombe County, North Carolina, ignored the case of a prominent citizen who sent a challenge in that county, and then another to a second man in an adjoining county.<sup>37</sup> The duel died, but it died hard.

---

<sup>37</sup>Weeks, "Code in N. C." Magazine of American History, p. 445.

## VI. DECLINE OF DUELLING AFTER THE CIVIL WAR

The incidence of duelling had been declining even before the Civil War broke over the nation, and the end of the conflict marked the real end of the practice itself. Those sporadic duels that did occur after 1865 generally brought forth torrents of condemnation unknown in antebellum days. Men were now more amenable to outside dissuasion, as in Savannah where General Joseph E. Johnston, due to his influence and war record, was able to adjust many differences.<sup>1</sup> Injuries from duels declined to the point in the years just after Appamattox that, in one year (unspecified by the source) in South Carolina, only three of 128 homicides resulted from duels.<sup>2</sup> This contrasts with the report of David Ramsey in 1808 that about five men died in the state each year from duels--and that was before the practice had gained very wide acceptance.<sup>3</sup>

One result, perhaps inevitable, was the assumption by some Negroes of airs once assumed by their masters. One such affair involved two blacks in Savannah in 1868. Some

---

<sup>1</sup>Gamble, Savannah Duels, p. 284.

<sup>2</sup>C. Vann Woodward, Origins of the New South, 1877-1913 (Baton Rouge: Louisiana State University Press, 1951), p. 159.

<sup>3</sup>David Ramsey, History of South Carolina 1670-1808 (Charleston: David Longworth, 1809), II, p. 391.

Negroes had joined together to support conservatives for office. One radical black leader, Jackson Brand, claimed a change of heart and attempted to join the conservative group headed up by Eugene Morehead. The contest between these two for leadership led to a fight and a challenge. Duelling at 45 feet with double-barrelled shotguns, Brand was badly wounded. He vainly urged his second to prop him up for another shot, but that worthy perceived his own hide would be endangered in such an exchange. Brand died, but Morehead was not molested by the authorities.<sup>4</sup>

It was in the 1880's that the duel made its last stand before notoriety pushed it from the stage. The most widely discussed case involved two men of Camden, South Carolina; William Shannon and Colonel E. B. C. Cash. This 1880 affair involved two men of completely opposite character and temperament: Shannon was at this time an attorney, a banker, a writer of verse, and a former Confederate cavalry commander. Cash also had served in the war, but was distinguished primarily for his unbridled temper and bullying manner.

Their dispute arose when Shannon and his law partner represented a client opposing the Cash clan; Colonel Cash came away swearing he had been charged with fraud in the courtroom cross examination. He challenged both

---

<sup>4</sup>Gamble, Savannah Duels, p. 242.

Shannon and his law partner, and both ignored him. Cash's son, Brogan, then issued a pamphlet, purportedly written by Shannon, in which was contained admission of unethical conduct and cowardice. Shannon felt he could not overlook this fraudulent insult and accepted Cash's challenge, though his principles were clearly against it. Shannon was killed in the exchange.

There was an immediate outpouring of shock and rage at the death of Shannon at the hands of such a bully as Cash. Statewide condemnation was expressed by editors, political leaders, and private citizens. Cash fought back bitterly, accusing any and all critics of cowardice and, in the case of public leaders, political corruption. When called upon for proof of his allegations, he shot back:

I am not practiced in the habit of proving any statements I make, nor associating with that class who, when insulted, call for proof...such manners may suit Massachusetts, but they are not adopted in South Carolina, either ancient or modern.<sup>5</sup>

When political factions began taking one side or the other, Cash was cheered by this show of support: "God will raise up friends to fight our battles for us...It pains me to the heart to see Southern gentlemen trying to mimic Henry Ward Beecher."<sup>6</sup>

Cash was tried for murder; the first trial ended

---

<sup>5</sup>Kane, Gentlemen Swords and Pistols, p. 267.

<sup>6</sup>Ibid.



in a hung jury and the second acquitted him. The result could hardly be called justice, but the resulting publicity stigmatized duelling so that it never regained its popularity.<sup>7</sup>

The last duel known to have been conducted according to the code took place in 1889, somewhere on the border of Georgia and Alabama. It involved two railroad attorneys who had had their hackles raised in an Atlanta court case involving their two companies. One was J. R. Williams, the other Patrick Calhoun, grandson of John C. Calhoun. Their argument ended with a challenge by Calhoun that they settle the matter like gentlemen in Cedar Bluff, Alabama.

Word of the impending affair leaked out. The governors of Alabama and Georgia instructed law officials to prevent it, while the Atlanta newspapers sent reporters to cover it.

The entire group of duellists and reporters traveled by rail to Cedar Bluff, where they were accosted by an Alabama sheriff. The hapless official pleaded in vain to be told which were Messers Calhoun and Williams. Then, while someone diverted his attention, the party reboarded the train and sped away. Disembarking from the train, the party hastily reboarded again when the galloping sheriff

---

<sup>7</sup>Ibid., pp. 258-269.



was spotted down the tracks. Again they alighted somewhere on the state border and this time got the duel off.

Williamson misunderstood firing instructions and fired off his five shots in quick succession while Calhoun was firing but once. The two then fell to epithets and threats as Calhoun held his fire trying to get an apology. Calhoun finally gave up and fired his other four shots into the air, whereupon Williamson apologized and the two shook hands. The only casualty for the day came when a reporter, attempting to unjam Williamson's gun while fleeing from the sheriff, succeeded inopportunely and shot off the top of his little finger.<sup>8</sup>

Charges were not preferred against any in the party, though the story of the day's chase up and down the Georgia-Alabama state line was the object of much pointed humor.

Thus, whether by tragedy as in the Cash-Shannon affair, or by the unexpected hilarity of Williamson and Calhoun, the duel came to be an object of derision and contempt. A few years after Calhoun and Williamson had satisfied their honor, a Georgia challenger was reportedly met with the reply that rotten eggs at ten paces would do perfectly well as weapons.<sup>9</sup>

---

<sup>8</sup>Ibid., pp. 281-290.

<sup>9</sup>Mary S. Anderson, et. al., Georgia, A Pageant of Years (Richmond: Garrett & Massie, 1933), p. 171.

## VII. SUMMARY AND CONCLUSIONS

The duel originated during the middle ages in Europe in the practice known as trial by combat, or wager of battle, wherein an accused person could fight to show innocence or guilt. The next step in its development, and its real beginning, came in the traditions of chivalry, when one knight would contend against another. Duelling gradually became established in all European countries, despite repeated efforts by monarchs to suppress it.

Though Europeans settled America, there were few duels in our colonial years--probably because duelling was an aristocratic custom and most immigrants were common folk. The duel took root in America during the Revolution when Americans were influenced by the example of aristocratic European officers. When the latter had gone, their custom stayed behind. Many prominent Americans denounced duelling, but aristocrats-on-the-make made it a part of American upper class life.

This was the general situation in all sections of America until Alexander Hamilton was killed in a duel with Aaron Burr. At that point the duel became a prime target of the reform movement in the Northern states, where the practice was largely eliminated. In the South where the reform movement was not so well organized, the duel remained to

become eventually an almost sectional custom peculiar to the South.

There were some exceptions to the rule that Northerners did not duel. Congressmen from non-Southern areas continued to duel; military men, regardless of sectional origin, issued challenge until the Civil War--and a few Confederates carried on during that conflict; and non-Southern areas of the frontier still abounded in these murderous encounters. Sectional feelings sometimes brought Northerners and Southerners to the duelling grounds before the Civil War.

Originally there were no widely used sets of written rules by which duels should be conducted; men relied on customs which actually varied little from one area to another. In the nineteenth century there were several written codes, most of them originating in Europe and given American modifications. The best known set of rules was that compiled by Governor John Lyde Wilson of South Carolina, whose Code of Honor went through twenty printings between 1838 and 1858. The rules stipulated that a duel should be between social equals only, setting forth the various steps either to avoid or conduct a legitimate duel. Such regulations were chiefly to guide the seconds in performance of their duties, as they were primarily responsible for the negotiations and arrangements of the contests. Rules were not always strictly adhered to, and seconds did not always sincerely seek to effect reconciliations that might avoid a duel. After an

engagement had been agreed upon and arranged for, duellists usually went to some spot regularly used for duels; the best known of such spots were probably the Duelling Oaks on the Allard plantation near Metairie, Louisiana, and the field at Bladensburg, Maryland, outside the national capitol.

Regardless of his rank or his usefulness, no Southerner was immune from a challenge to duel. Various causes brought challenges--love, professional rivalries, insults, personal pique--but the most fruitful cause was political competition. In some areas there were what could accurately be called "duelling dynasties," or families that duelled out of all proportion to their share. Two such "dynasties" were the Stanlys of North Carolina and the Rhettts of South Carolina (though the father, Robert Barnwell Rhett, strongly disapproved of the practice). The duelling spirit afflicted college students, too, though most college administrations sought to discourage it.

From the eastern states, the duel generally moved in a straight line westward with emigrating settlers. The duel, formal or informal, found a ready welcome in the turbulent frontier areas. For all its defects, the formal duel did mollify the situation somewhat by taking men off the streets, away from innocent bystanders. Because of the westward move of the frontier, the duel was still in practice in western areas even as it was declining in older Southern communities.

Beyond the eastern seaboard two sections gained greatest attention for their duelling activities. One was the district embracing Kentucky and Tennessee, where Andrew Jackson was a prominent figure. The other was the Gulf coast region dominated by New Orleans. The influx of French émigrés into this latter area following the Napoleonic wars revived duelling at a time it was under attack because of Hamilton's death. They carried on the duel with dash and elaborate style, giving it a new lease on life and making New Orleans perhaps the duelling capital of America.

Opposition to duelling arose early in American history from such leaders as Washington and Jefferson. When Hamilton's death made it a largely sectional institution, Southern criticism remained strong, too. Unlike slavery, duelling was not enveloped in a cloak that insulated it from criticism. From its inception till its death, it was denounced as barbaric, senseless, and un-Christian. Private groups formed in most areas to campaign against the practice, but their efforts were never totally successful before the Civil War.

Legally, duelling was an offense at common law, and by statute in all states before the Civil War. But a duellist, especially in the South, had little to fear from the courts. Law officials rarely enforced anti-duel legislation, and, if they did, the courts usually acquitted the accused. Only one person is known to have been executed for



killing a duelling opponent during the entire nineteenth century. The duel, despite frequent criticism, was unwritten law and considered paramount to written statutes; enforcement of the laws had to wait for a change in public opinion.

The end of the Civil War marked the real end of the duel in America. Encounters continued to occur after Appamattox but in greatly reduced numbers. A few particularly notorious duels served to stigmatize the practice in the public mind so that, by the 1880's, the duel was practically a vanished custom.

The institution developed in America primarily because Americans wished to emulate old world aristocrats. It held on chiefly among America's gentleman class, though the frontier provided something of an exception. Over past generations it was often asserted that the duel persisted in the South because the warm climate made the Southerner more temperamental and high-strung--an interesting theory; but it is surely obvious that the Southern climate did not change when Lee laid down his sword at Appamattox.

It appears to this writer that the best explanation for the life of the duel must be found in the nature of the society that nurtured it. Both this country and in others it was sustained primarily by the aristocracy. Hamilton's death may have aided in the ultimate decline of duelling in the North, but the real cause was that the custom had lost



favor with the masses. It was seen as an aristocratic hang-over from the Europe that Americans had rejected in the American Revolution. The American common man did not relish customs of the European aristocracy that formerly ruled them.

In the South, on the other hand, the upper classes exerted more influence than their Northern counterparts. The Southern gentry were leaders in fact as well as in theory; they were aristocrats and made no bones about it. The levelling spirit did not take hold of the South as it did other areas, and Southern leaders were expected to act like leaders. Thus, despite criticism, it was easier for a lordly custom like duelling to survive. The masses of the people did not censure their leaders because those leaders represented what they themselves hoped some day to be. The Southern upper classes, <sup>admired and emulated,</sup> were peculiarly immune from popular rebuke.

But 1865 saw the fall of that Southern way of life, led by an upper class of country gentlemen on an English model. With ante-bellum society went the ideal of the Southern gentleman who considered himself an aristocrat and acted like it. With him went his trappings and some of his customs, including the duel. The custom, which might shed blood for the mere word "honor," no longer proved a man an aristocrat--either real or imagined. Too much blood had already been shed in the grimmest conflict of the nineteenth century. Southerners wanted no more of it; and with the

lifeblood of their ante-bellum civilization went the life  
of one of its less admirable customs. It, too, was gone  
with <sup>the</sup> wind.

Published Primary Sources

- Beaton, Thomas M. Abridgment of the Debates of Congress.  
Volumes 7, 11, and 13. New York: Appleton & Co.,  
1853.
- Ford, Chauncy Worthington (ed.). Journals of the Continental  
Congress, 1774-1789. Volume 7. Washington: United  
States Government Printing Office, 1906.
- James, Edward. "Dwelling in Virginia," Virginia Magazine of  
History and Biography, 111 (July, 1905), 54.
- Hair, Andrew Forest (ed.). Texas in 1841. Austin: University  
of Texas press, 1923.
- North Carolina. General Statutes. Vol. 1, Chapter 21, Sections  
20 and 270. Charlottesville: Albion Co., 1954.
- Pearson, George Wilson. Yorkville and Richmond in  
1840. New York: Oxford Press, 1910.
- State of Miss. 1845, p. 735.
- Strong, George Templeton. The Diary of George Templeton  
Strong 1815-1875. 4 volumes. Edited by Allen  
Tyrus and Milton S. Thomas. New York: Macmillan  
& Co., 1901.
- Touqueville, Alexis de. Journey to America. Edited by  
J. P. Mayer. London: Water & Water, Ltd., 1939.
- U. S.. Annals of Congress. 10th Congress, First Session,  
part two; 17th Congress, First Session. Washington:  
Gale & Son, 1900.
- Wilson, John Lyde. The State of Honor or Rules for the  
Government of Tricentennial and Beyond in Dwelling.  
Charleston: Isaac Purney, 1822.

## BIBLIOGRAPHY

Published Primary Sources

- Benton, Thomas H. Abridgment of the Debates of Congress.  
 Volumes 7, 11, and 13. New York: Appleton & Co.,  
 1858.
- Ford, Chauncey Worthington (ed.). Journals of the Continental  
 Congress, 1774-1789. Volume V. Washington: United  
 States Government Printing Office, 1906.
- James, Edward. "Duelling in Virginia," Virginia Magazine of  
 History and Biography, III (July, 1895), 89.
- Muir, Andrew Forest (ed.), Texas in 1837. Austin: University  
 of Texas press, 1958.
- North Carolina, General Statutes. Vol. I, Chapter 14, Sections  
 20 and 270. Charlottesville: Michie Co., 1956.
- Pierson, George Wilson. Tocqueville and Beaumont in  
 America. New York: Oxford Press, 1938.
- State v Fritz, 133 N. C. 725.
- Strong, George Templeton. The Diary of George Templeton  
 Strong 1835-1875. 4 volumes. Edited by Allan  
 Nevins and Milton H. Thomas. New York: MacMillan  
 & Co., 1952.
- Tocqueville, Alexis de. Journey to America. Edited by  
 J. P. Mayer. London: Faber & Faber, Ltd., 1959.
- U. S., Annals of Congress, 16th Congress, First Session,  
 part two; 17th Congress, First Session. Washington:  
 Gales & Seaton, 1855.
- Wilson, John Lyde. The Code of Honor: or Rules for the  
 Government of Principals and Seconds in Duelling.  
 Charleston: James Phinney, 1858.

Unpublished Manuscript Sources

All these manuscripts are in the Southern Historical Collection in the main library of the University of North Carolina at Chapel Hill.

John Y. Bassett Papers

Caffrey Papers

Elliott-Gonzales Papers

Gordon-Hackett Papers

John Berkeley Grimball Diary

Meto Morris Grimball Journal

William Hooper Haigh Papers

James Hamilton Papers

Francis Lister Hawks Papers

Manigault-Morris-Grimball Papers

George Anderson Mercer Diary

William Porcher Miles Papers

Robert Barnwell Rhett Papers

Roach-Eggleston Papers

John Rutledge Papers

Thomas Sparrow Papers

William D. Valentine Diary

Benjamin C. Yancey Papers

# SECONDARY SOURCES

- Abernethy, Thomas Perkins. Historical Sketch of the University of Virginia. Richmond: Dietz Press Inc., 1948.
- Abernethy, Thomas Perkins. "Social Relations and Political Control in the Old Southwest," Mississippi Valley Historical Review, XVI (March, 1930), 529-537.
- Anderson, Mary S., Barrow, Elfrida de Renne, Screven, Elizabeth Markay, and Waring, Martha Gallaudet. Georgia, A pageant of Years. Richmond: Garrett & Massie, 1933.
- Baldick, Robert. The Duel. New York: Clarkson N. Potter Inc., 1965.
- Battle, Kemp P. History of the University of North Carolina, 1789-1868. 2 volumes. Raleigh: Broughton & Edwards Printing Co., 1907.
- Benton, Thomas Hart. Thirty Years' View. New York: D. Appleton & Co., 1863.
- Boorstin, Daniel J. The Americans: The National Experience. New York: Random House, 1965.
- Brearley, H. C. "The Pattern of Violence," Culture in the South. Edited by W. T. Couch. Chapel Hill: University of North Carolina Press, 1935. 678-695.
- Bruce, William Cabell. John Randolph of Roanoke. 2 volumes. New York: C. P. Putnam's Sons, 1922.
- Cash, Wilbur J. The Mind of the South. New York: A. A. Knopf, 1941.
- Clement, William E. Plantation Life on the Mississippi. New Orleans: American Printing Co., 1952.
- Cochran, Hamilton. Noted American Duels and Hostile Encounters. New York: Chilton Books, 1963.
- Coleman, J. Winston, Jr. The Casto-Metcalf Duel. Lexington (Ky.): Winburn Press, 1950.
- \_\_\_\_\_. The Desha-Kimbrough Duel. Lexington (Ky.): Winburn Press, 1951.



- \_\_\_\_\_. Famous Kentucky Duels. Frankfort (Ky.): Roberts Printing Co., 1953.
- \_\_\_\_\_. The Trotter-Wickliffe Duel. Frankfort (Ky.): Roberts Printing Co., 1950.
- Coulter, E. Merton. College Life in the Old South. New York: MacMillan Co., 1928.
- \_\_\_\_\_. The Confederate States of America 1861-1865. Baton Rouge: Louisiana State University Press, 1950.
- Cruzat, Heloise Hulse. "When Knighthood was in Flower," Louisiana Historical Quarterly, I (April, 1918), 367-371.
- Dart, Henry P. "A Duel in the Dark on March 14, 1747," Louisiana Historical Quarterly, XIII (April, 1930), 199-204.
- Eaton, Clement. The Freedom of Thought Struggle in the Old South. New York: Harper & Row, 1964.
- \_\_\_\_\_. The Growth of Southern Civilization, (in the New American Nation Series). New York: Harper & Bros., 1961.
- \_\_\_\_\_. A History of the Old South. 2nd edition. New York: MacMillan, 1966.
- \_\_\_\_\_. The Mind of the Old South. Baton Rouge: Louisiana State University Press, 1964.
- \_\_\_\_\_. "Mob Violence in the Old South," Mississippi Valley Historical Review, XXIX (December, 1942), 351-370.
- Fox, Dixon Ryan, "Culture in Knapsacks," New York State Historical Association Quarterly Journal, XI (January, 1930), 31-52.
- Franklin, John Hope. The Militant South. Cambridge: Harvard University Press, 1956.
- Gamble, Thomas. Savannah Duels and Duellists 1733-1877. Savannah: Review Publishing & Printing Co., 1923.
- Green, Edwin L. History of the University of South Carolina. Columbia: The State Co., 1916.

- Herndon, Dallas. Centennial History of Arkansas, 3 volumes. Chicago: S. J. Clarke Publishing Co., 1922.
- Hollis, David Walker. The University of South Carolina: South Carolina College. 2 volumes. Columbia: University of South Carolina Press, 1951.
- Howison, Robert R. "Duelling in Virginia," William & Mary Quarterly, Second Series, IV (October, 1924), 217-244.
- Huff, Leo E. "The Last Duel in Arkansas: The Marmaduke-Walker Duel," Arkansas Historical Quarterly, XXIII (Spring-Winter, 1964), 36-48.
- Jameson, J. Franklin. The American Revolution Considered as a Social Movement. Boston: Beacon Press, 1960.
- Johnson, Gerald W. Randolph of Roanoke. New York: Minton, Balch & Co., 1929.
- Johnson, Guion B. Ante-Bellum North Carolina. Chapel Hill: University of North Carolina Press, 1937.
- Kane, Harnett T. Gentlemen, Swords and Pistols. New York: William Morrow & Co., 1951.
- Kendall, John S. "According to the Code," Louisiana Historical Quarterly, XXIII (January, 1940), 141-161.
- \_\_\_\_\_. "The Humors of the Duello," Louisiana Historical Quarterly, XXIII (April, 1940), 445-470.
- \_\_\_\_\_. "Pistols for Two, Coffee for One," Louisiana Historical Quarterly, XXIV (July, 1941), 756-782.
- King, Grace E. New Orleans: The Place and the People. New York: MacMillan & Co., 1895.
- Lander, Ernest M., Jr. A History of South Carolina 1865-1960. Chapel Hill: University of North Carolina Press, 1960.
- Lea, Henry C. Superstition and Force. 3rd edition. Philadelphia: Henry C. Lea, 1878.
- Lefler, Hugh T. and Newsome, Albert Ray, North Carolina: The History of a South State. Chapel Hill: UNC Press, 1954.

- Miller, Ronald Dean. Shady Ladies of the West. Los Angeles: Westernlore Press, 1964.
- Moore, Albert B. (ed.) History of Alabama and Her People. 3 volumes. New York: American Historical Association, 1927.
- Neilson, George. Trial by Combat. New York: MacMillan & Co., 1891.
- Osterweiss, Rollin G. Romanticism and Nationalism in the Old South. New Haven: Yale University Press, 1949.
- Owen, Thomas W. (ed.) A History of Alabama. 4 volumes. New York: American Historical Association, 1927.
- Ramsey, David. A History of South Carolina from the First Settlement in 1670 to the Year 1808. 2 volumes.  
*CHARLESTON: DAVID LONGWORTH, 1809.*
- Randall, James G., and Donald, David. The Civil War and Reconstruction. Boston: D. C. Heath & Co., 1965.
- Ravenel, St. Julien. Charleston. New York: MacMillan & Co., 1906.
- Richardson, Rupert N. Texas the Lone Star State. New York: Prentice-Hall, 1943.
- Robinson, Blackwell P. William R. Davie. Chapel Hill: University of North Carolina Press, 1953.
- Rowland, Dunbar. Encyclopedia of Mississippi History. 2 volumes. Madison (Wis.): Selwyn A. Brant, 1907.
- Sabine, Lorenzo. Notes on Duels and Duelling. Boston: Crosby, Nichols & Co., 1855.
- Sandburg, Carl. Abraham Lincoln: The Prairie Years. 4 volumes. New York: Harcourt, Brace & Co., 1926.
- Saxon, Lyle. Fabulous New Orleans. New York: The Century Co., 1928.
- Seitz, Don C. Famous American Duels. New York: Thomas Y. Crowell Co., 1929.
- Spaulding, Myra L. "Duelling in the District of Columbia," Records of the Columbia Historical Society, XXIX-XXX (1928), 117-210.

- Steinmetz, Andrew. Romance of Duelling. 2 volumes.  
London: Chapman and Hall, 1868.
- Stevens, Walter B. Missouri: The Center state 1821-1915.  
4 volumes. Chicago: S. J. Clarke Publishing Co.,  
1915.
- Stevens, William O. Annapolis. New York: Dodd, Mead &  
Co., 1937.
- Sydnor, Charles S., "The Southerner and the Laws," Journal  
of Southern History, VI (February, 1940), 3-23.
- "Trivia," William & Mary Quarterly, Third Series, XII  
(April, 1955), 337-338.
- Wallace, David D. History of South Carolina. 4 volumes.  
New York: American Historical Society, 1934.
- Wallis, Wilson D. "Duelling," Encyclopedia of Social  
Sciences, 15 volumes in 8. Edited by Edwin R. A.  
Seligman. New York: MacMillan & Co., 1937.  
Volume V, 268-270.
- Weeks, Stephen B. "The Code in North Carolina," Magazine  
of American History, (December, 1891), 443-455.
- Wertenbaker, Thomas Jefferson. The First Americans 1607-  
1690. Vol. II of A History of American Life.  
Edited by Arthur M. Schlesinger, Sr. and Dixon  
Ryan Fox. New York: MacMillan & Co., 1927.
- \_\_\_\_\_. Princeton: 1746-1896. Princeton: Princeton  
University Press, 1946.
- Wiltse, Charles M. The Jeffersonian Tradition in American  
Democracy. University of North Carolina Press:  
Chapel Hill, 1935.
- Wish, Harvey. Society and Thought in America. New York:  
Longman's Green, 1950.
- Woodward, C. Vann. Origins of the New South 1877-1913.  
Vol. IX of A History of the South. Edited by  
Charles Ramsdale and E. Merton Coulter. Baton  
Rouge: Louisiana State University Press, 1951.

## APPENDIX

John Lyde Wilson, The Code of Honor: or Rules for the Government of Principals and Seconds in Duelling.  
Charleston: James Phinney, 1858.

## TO THE PUBLIC

The man who adds in any way to the sum of human happiness is strictly in the discharge of a moral duty. When Howard visited the victims of crime and licentiousness, to reform their habits and ameliorate their condition, the question was never asked whether he had been guilty of like excesses or not? The only question the philanthropist would propound, should be, has the deed been done in the true spirit of Christian benevolence? Those who know me, can well attest the motive which has caused the publication of the following sheets, to which they for a long time have urged me in vain. Those who do not know me, have no right to impute a wrong motive; and if they do, I had rather be the object, than the author of condemnation. To publish a CODE OF HONOR, to govern in cases of individual combat, might seem to imply, that the publisher was an advocate of duelling, and wished to introduce it as the proper mode of deciding all personal difficulties and misunderstandings. Such implication would do me great injustice. But if the question be directly put to me, whether there are not cases



where duels are right and proper, I would unhesitatingly answer, there are. If an oppressed nation has a right to appeal to arms in defense of its liberty and the happiness of its people, there can be no argument used in support of such appeal, which will not apply with equal force to individuals. How many cases are there, that might be enumerated, where there is no tribunal to do justice to an oppressed and deeply wronged individual? If he be subjected to a tame submission to insult and disgrace, where no power can shield him from its effects, then indeed it would seem, that the first law of nature, self-preservation, points out the only remedy for his wrongs. The history of all animated nature exhibits a determined resistance to encroachments upon natural rights--nay, I might add, inanimate nature, for it also exhibits a continual warfare for supremacy. Plants of the same kind, as well as trees, do not stop their vigorous growth because they overshadow their kind; but, on the contrary, flourish with greater vigor as the more weak and delicate decline and die. Those of different species are at perpetual warfare. The sweetest rose tree will sicken and waste on the near approach of the noxious bramble, and the most promising fields of wheat yield a miserable harvest if choked up with tares and thistles. The elements themselves war together, and the angels of heaven have met in fierce encounter. The principle of self-preservation is co-extensive with creation; and when by education we make char-

acter and moral worth a part of ourselves, we guard these possessions with more watchful zeal than life itself, and would go farther for their protection. When one finds himself avoided in society, his friends shunning his approach, his substance wasting, his wife and children in want around him, and traces all his misfortunes and misery to the slanderous tongue of the calumniator, who by secret whisper or artful inuendo, has sapped and undermined his reputation, he must be more or less than man to submit in silence.

The indiscriminate and frequent appeal to arms, to settle trivial disputes and misunderstandings, cannot be too severely censured and deprecated. I am no advocate for such duelling. But in cases where the laws of the country give no redress for injuries received, where public opinion not only authorizes, but enjoins resistance, it is needless and a waste of time to denounce the practice. It will be persisted in as long as a manly independence, and a lofty personal pride in all that dignifies and ennobles the human character, shall continue to exist. If a man be smote on one cheek in public, and he turns the other, which is also, smitten, and he offers no resistance, but blesses him that so despitefully used him, I am aware that he is in the exercise of great Christian forbearance, highly recommended and enjoined by many very good men, but utterly repugnant to those feelings which nature and education have implanted in the human character. It was possible to enact laws so severe

and impossible to be evaded, as to enforce such rule of behavior, all that is honorable in the community would quit the country and inhabit the wilderness with the Indians. If such a course of conduct was infused by education into the minds of our youth, and it became praiseworthy and honorable to a man to submit to insult and indignity, then indeed the forbearance might be borne without disgrace. Those, therefore, who condemn all who do not denounce duelling in every case, should establish schools where a passive submission to force would be the exercise of a commendable virtue. I have not the least doubt, that if I had been educated in such a school, and lived in such a society, I would have proved a very good member of it. But I much doubt, if a seminary of learning was established, where this Christian forbearance was inculcated and enforced, whether there would be many scholars.

I would not wish to be understood to say, that I do not desire to see duelling to cease to exist entirely, in society. But my plan for doing it away, is essentially different from the one which teaches a passive forbearance to insult and indignity. I would inculcate in the rising generation a spirit of lofty independence; I would have them taught that nothing was more derogatory to the honor of a gentleman, than to wound the feelings of any one, however humble. That if wrong be done to another, it was more an act of heroism and bravery to repair the injury, than to persist

in error, and enter into mortal combat with the injured party. This would be an aggravation of that which was already odious, and would put him without the pale of all decent society and honorable men. I would strongly inculcate the propriety of being tender of the feelings, as well as the failings, of those around him. I would teach immutable integrity, and uniform urbanity of manners. Scrupulously to guard individual honor, by a high personal self-respect, and the practice of every commendable virtue. Once let such a system of education be universal, and we shall seldom hear, if ever, of any more duelling.

The severest penal enactments cannot restrain the practice of duelling, and their extreme severity in this State, the more effectually shields the offenders. The teaching and preaching of our eloquent Clergy, may do some service, but is wholly inadequate to suppress it. Under these circumstances, the following rules are given to the public, and if I can save the life of one useful member of society, I will be compensated. I have restored to the bosoms of many, their sons, by my timely interference, who are ignorant of the misery I have averted from them. I believe that nine duels out of ten, if not ninety-nine out of a hundred, originate in the want of experience in the seconds. A book of authority, to which they can refer in matters where they are uninformed, will therefore be a desideratum. How far this code will be that book, the public will decide.

THE AUTHOR

RULES FOR PRINCIPALS AND  
SECONDS IN DUELLING

---

CHAPTER ONE

THE PERSON INSULTED, BEFORE CHALLENGE SENT

1. Whenever you believe you are insulted, if the insult be in public and by words or behavior, never resent it there, if you have self-command enough to avoid noticing it. If resented there, you offer an indignity to the company, which you should not.
2. If the insult be by blows or any personal indignity, it may be resented at the moment, for the insult to the company did not originate with you. But although resented at the moment, you are still bound to have satisfaction, and must therefore make the demand.
3. When you believe yourself aggrieved, be silent on the subject, speak to no one about the matter, and see your friend, who is to act for you, as soon as possible.
4. Never send a challenge in the first instance, for that precludes all negotiation. Let your note be in the language of a gentleman, and let the subject matter of complaint be truly and fairly set forth, cautiously avoiding attributing to the adverse party any improper motives.



5. When your second is in full possession of the facts, leave the whole matter to his judgment, and avoid any consultation with him unless he seeks it. He has the custody of your honor, and by obeying him you cannot be compromised.

6. Let the time of your demand upon your adversary after the insult, be as short as possible, for he has the right to double that time in replying to you, unless you give me some good reason for your delay. Each party is entitled to reasonable time to make the necessary domestic arrangements, by will or otherwise, before fighting.

7. To a written communication you are entitled to a written reply, and it is the business of your friend to require it.

#### SECOND'S DUTY BEFORE CHALLENGE SENT

1. Whenever you are applied to by a friend to act as his second, before you agree to do so, state distinctly to your principal that you will be governed only by your own judgment, --that he will not be consulted after you are in full possession of the facts, unless it becomes necessary to make or accept the amende honorable, or send a challenge. You are supposed to be cool and collected, and your friend's feelings are more or less irritated.

2. Use every effort to soothe and tranquilize your principal; do not see things in the same aggravated light in which he views them; extenuate the conduct of his adversary

whenever you see clearly an opportunity to do so, without doing violence to your friend's irritated mind. Endeavor to persuade him that there must have been some misunderstanding in the matter. Check him if he uses opprobrious epithet towards his adversaey, and never permit improper or insulting words in the note you carry.

3. To the note you carry in writing to the party complained of, you are entitled to a written answer, which will be directed to your principal and will be delivered to you by his adversary's friend. If this be not written in the style of a gentleman, refuse to receive it, and assign your reason for such refusal. If there be a question made as to the character of the note, require the second presenting it to you, who considers it respectful, to endorse upon it these words: "I consider the note of my friend respectful, and would not have been the bearer of it, if I believed otherwise."

4. If the party called on, refuses to receive the note you bear, you are entitled to demand a reason for such refusal. If he refuses to give you any reason, and persists in such refusal, he treats, not only your friend, but yourself, with indignity, and you must then make yourself the actor, by sending a respectful note, requiring a proper explanation of the course he has pursued towards you and your friend; and if he still adheres to his determination, you are to challenge or post him.

5. If the person to whom you deliver the note of your friend, declines meeting him on the ground of inequality, you are bound to tender yourself in his stead, by a note directed to him from yourself; and if he refuses to meet you, you are to post him.

6. In all cases of the substitution of the second for the principal, the seconds should interpose and adjust the matter, if the party substituting avows he does not make the quarrel of his principal his own. The true reason for substitution, is the supposed insult of imputing to you the like inequality which if charged upon your friend, and when the contrary is declared, there should be no fight, for individuals may well differ in their estimate of an individual's character and standing in society. In case of substitution and a satisfactory arrangement, you are then to inform your friend of all the facts, whose duty it will be to post in person.

7. If the party, to whom you present a note, employ a son, father or brother, as a second, you may decline acting with either, on the ground of consanguinity.

8. If a minor wishes you to take a note to an adult, decline doing so, on the ground of his minority. But if the adult complained of, had made a companion of the minor in society, you may bear the note.

9. When an accomodation is tendered, never require too much; and if the party offering the amende honorable, wishes

to give a reason for his conduct in the matter, do not, unless offensive to your friend, refuse to receive it; by so doing you may heal the breach more effectively.

10. If a stranger wishes you to bear a note for him, be well satisfied before you do so, that he is on an equality with you; and in presenting the note state to the party the relationship you stand towards him, and what you know and believe about him; for strangers are entitled to redress for wrongs, as well as others, and the rules of honor and hospitality should protect him.

## II. THE PARTY RECEIVING A NOTE BEFORE CHALLENGE

1. When a note is presented to you by an equal, receive it, and read it, although you may suppose it to be from one you do not intend to meet, because its requisites may be of a character which may readily be complied with. But if the requirements of a note cannot be acceded to, return it, through the medium of your friend, to the person who handed it to you, with your reason for returning it.

2. If the note received be in abusive terms, object to its reception, and return it for that reason; but if it be respectful, return an answer of the same character, in which respond correctly and openly to all interrogatories fairly propounded, and hand it to your friend, who, it is presumed, you have consulted, and who has advised the answer; direct it to the opposite party, and let it be delivered to his friend.

3. You may refuse to receive a note from a minor, (if you have not made an associate of him); one that has been posted; one that has been publicly disgraced without resenting it; one whose occupation is unlawful; a man in his dotage and a lunatic. There may be other cases, but the character of those unenumerated will lead to a correct decision upon those omitted.

If you receive a note from a stranger, you have a



right to a reasonable time to ascertain his standing in society, unless he is fully vouched for by his friend.

4. If a party delays calling on you for a week or more, after the supposed insult, and assigns no cause for the delay, if you require it, you may double the time before you respond to him; for the wrong cannot be considered aggravated, if borne patiently for some days, and the time may have been used in preparation and practiced.

#### SECOND'S DUTY OF THE PARTY RECEIVING A NOTE BEFORE CHALLENGE SENT

1. When consulted by your friend who has received a note requiring explanation, inform him distinctly that he must be governed wholly by you in the progress of the dispute. If he refuses, decline to act on that ground.

2. Use your utmost efforts to allay all excitement which your principal may labor under; search diligently into the origin of the misunderstanding; for gentlemen seldom insult each other, unless they labor under some misapprehension or mistake; and when you have discovered the original ground or error, follow each movement to the time of sending the note, and harmony will be restored.

3. When your principal refuses to do what you require of him, decline further acting on that ground, and inform the opposing second of your withdrawal from the negotiation.

### III. DUTY OF CHALLENGEE AND HIS SECOND BEFORE FIGHTING

1. After all efforts for a reconciliation are over, the party aggrieved sends a challenge to his adversary, which is delivered to his second.
2. Upon the acceptance of the challenge, the seconds make the necessary arrangements for the meeting, in which each party is entitled to a perfect equality. The old notion that the party challenged, was authorized to name the time, place, distance and weapon, has long since been exploded; nor would a man of chivalric honor use such a right, if he possessed it. The time must be as soon as practicable, the place such as had ordinarily been used where the parties are, the distance usual, and the weapons that which is most generally used, which, in this state, is the pistol.
3. If the challengee insist upon what is not usual in time, place, distance and weapon, do not yield the point, and tender in writing what is usual in each, and if he refuses to give satisfaction, then your friend may post him.
4. If your friend be determined to fight and not post, you have the right to withdraw. But if you continue to act, and have the right to tender a still more deadly distance and weapon, and he must accept.
5. The usual distance is from ten to twenty paces, as may be agreed on; and the seconds in measuring the ground

usually step three feet.

6. After all the arrangements are made, the seconds determine the giving of the words and position, by lot; and he who gains has the choice of the one or the other, selects whether it be the word or the position, but he cannot have both.

#### IV. DUTY OF CHALLENGEE AND SECOND AFTER CHALLENGE SENT

1. The challengee has no option when negotiation has ceased, but to accept the challenge.
2. The second makes the necessary arrangements with the second of the person challenging. The arrangements are detailed in the preceding chapter.

## V. DUTY OF PRINCIPALS AND SECONDS ON THE GROUND

1. The principals are to be respectful in meeting, and neither by look nor expression irritate each other. They are to be wholly passive, being entirely under the guidance of their seconds.
2. When once posted, they are not to quit their positions under any circumstances, without leave or discretion of their seconds.
3. When the principals are posted, the second giving the word, must tell them to stand firm until he repeats the giving of the word, in the manner it will be given when the parties are at liberty to fire.
4. Each second has a loaded pistol, in order to enforce a fair combat according to the rules agreed upon; and if a principal fires before the word or time agreed on, he is at liberty to fire at him, and if such second's principal fall, it is his duty to do so.
5. If after a fire, ~~either~~ party be touch<sup>ed</sup>, the duel is to end; and no second is excusable who permits a wounded friend to fight; and no second who knows his duty, will permit his friend to fight a man already hit. I am aware there have been many instances where a contest has continued, not only after slight, but severe wounds, had been received. In all such cases, I think the seconds are blameable.



6. If after an exchange of shots, neither party be hit, it is the duty of the second of the challengee, to approach the second of the challenger and say: "Our friends have exchanged shots, are you satisfied, or is there any cause why the contest should be continued?" If the meeting be of no serious cause of complaint, where the party complaining had in no way been deeply injured, or grossly insulted, the second of the party challenging should reply: "The point of honor being settled, there can, I conceive, be no objection to a reconciliation, and I propose that our principals meet on middle ground, shake hands and be friends." If this be acceded to by the second of the challengee, the second of the party challenging, says: "We have agreed that the present duel shall cease, the honor of each of you is preserved, and you will meet on middle ground, shake hands and be reconciled."

7. If the insult be of a serious character, it will be the duty of the second of the challenger, to say, in reply to the second of the challengee: "We have been deeply wronged, and if you are not disposed to repair the injury, the contest must continue." And if the challengee offers nothing by way of reparation, the fight continues until one or the other of the principals is hit.

8. If in cases where the contest is ended by the seconds, as mentioned in the sixth rule of this chapter, the parties refuse to meet and be reconciled, it is the duty of the seconds to withdraw from the field, informing their principals, that

the contest must be continued under the superintendence of other friends. But if one agrees to this arrangement of the seconds, and the other does not, the second of the disagreeing principal only withdraws.

9. If either principal on the ground refuses to fight or continue the fight when required, it is the duty of his second to say to the other second: "I have come upon the ground with a coward, and do tender you my apology for an ignorance of his character; you are at liberty to post him." The second, by such conduct, stands excused to the opposite party.

10. When the duel is ended by a party being hit, it is the duty of the second to the party so hit, to announce the fact to the second of the party hitting, who will forthwith tender any assistance he can command to the disabled principal. If the party challenging, hit the challengee, it is his duty to say he is satisfied, and will leave the ground. If the challenger to hit, upon the challengee being informed of it, he should ask through his second, whether he is at liberty to leave the ground, which should be assented to.

## VI. WHO SHOULD BE ON THE GROUND

1. The principals, seconds, one surgeon and one assistant surgeon to each principal; but the assistant surgeon may be dispensed with.
2. Any number of friends that the seconds agree on, may be present, provided they do not come within the degrees of consanguinity mentioned in the seventh rule of Chapter I.
3. Persons admitted on the ground, are carefully to abstain by word or behavior, from any act that might be the least exceptionable; nor should they stand near the principals or seconds, or hold conversations with them.

## VII. ARMS, AND MANNER OF LOADING AND PRESENTING THEM

1. The arms used should be smooth-bore pistols, not exceeding nine inches in length, with flint and steel. Percussion pistols may be mutually used if agreed on, but to object on that account is lawful.
2. Each second informs the other when he is about to load, and invites his presence, but the seconds rarely attend on such invitation, as gentlemen may be safely trusted in the matter.
3. The second, in presenting the pistol to his friend, should never put it in his pistol hand, but should place it in the other, which is grasped midway the barrel, with muzzle pointing in the contrary way to that which he is to fire, informing him that his pistol is loaded and ready for use. Before the word is given, the principal grasps the butt firmly in his pistol hand, and brings it round, with the muzzle downward, to the fighting position,
4. The fighting position, is with the muzzle down and the barrel from you; for although it may be agreed that you may hold your pistol with the muzzle up, it may be objected to, as you can fire sooner from that position, and consequently have a decided advantage, which ought not to be claimed, and should not be granted.

## VII. THE DEGREES OF INSULT, AND HOW COMPROMISED

1. The prevailing rule is, that words used in retort, although more violent and disrespectful than those first used, will not satisfy,--words being no satisfaction for words.
2. When words are used, and a blow given in return, the insult is avenged; and if redress be sought, it must be from the person receiving the blow.
3. When blows are given in the first instance and not returned, and the person first striking, be badly beaten or otherwise, the party first struck is to make the demand, for blows do not satisfy a blow.
4. Insults at a wine table, when the company are over-excited, must be answered for; and if the party insulting have no recollection of the insult, it is his duty to say so in writing, and negative the insult. For instance, if a man say: "You are a liar and no gentleman," he must, in addition to the plea of the want of recollection, say: "I believe the party insulted to be a man of the strictest veracity and a gentleman."
5. Intoxication is not a full excuse for insult, but it will greatly palliate. If it was a full excuse, it might well be counterfeited to wound feelings, or destroy the character.
6. In all cases of intoxication, the seconds must use



a sound discretion under the above general rules.

7. Can every insult be compromised? is a mooted and vexed question. On this subject, no rules can be given that will be satisfactory. The old opinion, that a blow must require blood, is not of force. Blows may be compromised in many cases. What those are, much depend upon the seconds.